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Half a Portrait by Samuel F.B. Morse

by Paul J. Staiti

In January 1981 Richard G. Zimmerman of Westport, Connecticut, referred to IFAR by the Art Dealer's Association of America, sent photographs of a painting purchased by his mother at auction in 1942. He was "seeking a definitive authentication" of the work, which was attributed to Samuel F.B. Morse, but lacked a signature or any other form of positive identification.

On direct examination of the painting, Virgilia H. Pancoast, director of IFAR's authentication service, immediately questioned the identification of the subject as Susan Walker Morse, the artist's daughter. The young woman depicted bore a striking resemblance to the central figure in *Mrs. Samuel F.B. Morse and Her Two Children*, ca. 1823, by Morse, now owned by Bleecker Morse of Hendersonville, N.C.

Pancoast contacted Paul J. Staiti, assistant professor of art history at Mount Holyoke College, who agreed with her opinion. Staiti further observed that the work was definitely by two hands.

In the late 1930s and 1940s, the impressive American painting collection of Philadelphia's John F. Braun was dispersed at auction and through dealers; among the works sold were a few by or attributed to Samuel F.B. Morse. The most famous one was a fancy picture of Mary Hone, the daughter of New York merchant Isaac Hone, which is unquestionably by Morse. It passed through two Philadelphia collections before Maxim Karolik purchased it in 1944 and gave it to the Museum of Fine Arts, Boston.



Fig. 1. Lucretia Pickering Morse, 1816-1817 by Samuel F.B. Morse.

Another portrait owned by Braun and attributed to Morse was sold at a Kende Gallery auction in 1942. It shows a young, dark-haired woman seated waist-length in a décolleté red velvet dress (Fig. 1). She was identified, without explanation or provenance, as the artist's daughter, Susan Walker Morse (the catalogue to the auction erroneously called her Morse's niece). Purchased by a New York woman, the picture was passed down to her son. An opportunity has now arisen, through the International Foundation for Art Research, for an authoritative attribution.

Examination and authentication of the picture was a puzzling but rewarding exercise in classical visual analysis, laced with some informed historical speculation. Certainly, the young woman in the picture is not Morse's daughter Susan (1819-1885), the most famous portrait of whom, *The Muse* (1837), is in The Metropolitan Museum. Although the two women are close in age (approximately 17) and similar in bone structure, the picture brought to IFAR has a restrained

brushwork and a tonalist sensibility that makes it stylistically inconsistent with the flamboyant colors that Morse used in *The Muse*.

If the picture at IFAR were by Morse at all, it would have to date to the period 1815-18, when he was greatly influenced by the subtle tonalism and glazing techniques espoused by his teacher, Washington Allston, who had superintended Morse's art studies in London from 1811 to 1815. After returning to Boston, Morse continued to work in an Allston-inspired style, but his departure in 1818 for South Carolina signaled a shift to the more dynamic palettes of Gilbert Stuart and Thomas Sully.

Is the style of the picture brought to IFAR similar to Morse's pre-South Carolina manner? Yes, but with qualifications. The handsomely modeled head is painted in subtle tonal colors that Morse employed during that early period: creamy flesh, dusty red cheeks, brown-gray shadows touched with blue. A solid bone structure is implicit beneath the translucent skin of the face, but is tempered by a soft umbrage that reflects Allston's influence on Morse. The brown background wall that silhouettes and sets off the head also compliments it with touches of smoky reds that baffle through the surface color. These are precisely the stylistic aspects that characterize Morse's portraits of the 1815-18 period.

The attribution to Morse of the head and its immediate vicinity is enhanced by the new identity of the sitter. A comparison of the facial physiognomy of the mystery woman to that of other women painted by Morse reveals a remarkable similarity to a portrait Morse painted of his wife Lucretia Pickering Walker Morse (1799-1825) around the year 1820 and now in the collection of Amherst College (Fig. 2). The two women share the same round cheeks, knobby chin and close dressing of the hair over the temples.

Collection: Richard G. Zimmerman

Furthermore, the fall of light across the face, the framing and silhouetting of the head, and the general deportment of the two women are unusually close. Clearly, they are portraits of the same person. The woman in the Amherst picture, which has the lissome grace and brilliant color of Morse's South Carolina period, is the older of the two, thus placing the picture under investigation in the years 1816-1817, a dating which makes the sitter's age perfectly consistent with Morse's restrained pre-South Carolina style.

There was one nagging problem, however, that needed resolution. That was the incompetent handling of the chest, dress and hands of the figure. A glance at the Amherst picture, or at any other of Morse's portraits of women, should amply illustrate his proficiency with hands and upper anatomy. But in the IFAR picture, one cannot help to notice the boneless torso, attenuated shoulders, amputated hands, opaque chest, and labored brushwork below the neck. The picture is undoubtedly the work of two hands, a fact confirmed by an awkward shift in colors between the neck and the chest that is faintly visible in a photograph (Fig. 3).

What caused two hands, an expert's and an amateur's, to confront one another so inelegantly on this canvas? At best, one can construct a logical scenario. Morse met the sitter, Lucretia P. Walker, in August 1816 during one of his portrait painting expeditions to Concord, New Hampshire. She was the town belle at 17 when Morse requested her hand in marriage. A trip early in 1818 to Charleston, South Carolina, in the midst of their engagement, profoundly altered Morse's art. Shucking Allston's tonalism for the more concrete and coloristic art of Stuart and Sully, Morse began painting in a style typified by the portrait of Lucretia at Amherst. When Morse returned to Concord in the summer of 1818 he married Lucretia, and together now they set off on a second of four tours of South Carolina. Most likely, then, the picture taken to IFAR was begun during their early engagement — between October 1816 and December 1817 — before the shift in Morse's style. He must have painted her face and head to a point of completion when one of a number of projects — a paying portrait commission, the first trip to South

Carolina, designing a fire pump, thoughts of entering the Episcopal ministry — intervened. Returning to the picture sometime after the stylistic transformations in South Carolina, he must have decided to paint a second portrait in his new style rather than try to amend the original. This would account for the empty canvas that some overzealous restorer filled in later.

Who finished the picture that Morse started? It is virtually impossible to know since its provenance is so sketchy. But there is the possibility that John F. Braun had the chest, dress and arms added early in the twentieth century. Braun was not above tampering with the pictures in his collection. In 1928, he cut down Morse's portrait of Mary Hone from 36 x 28 inches to 30 x 26 inches because, as he put it, "there were many things in it which detracted from the effect of the portrait — an ugly carpet on the floor, pictures on the wall, and sky above." Could the innocuous incompleteness of Morse's portrait of Lucretia have disturbed Braun so much that he took equally drastic measures? That is the one mystery that remains to be solved. □



Fig. 2. Lucretia Pickering Morse, ca. 1822, by Samuel F.B. Morse

Mead Art Museum, Amherst College
Bequest of Herbert L. Pratt

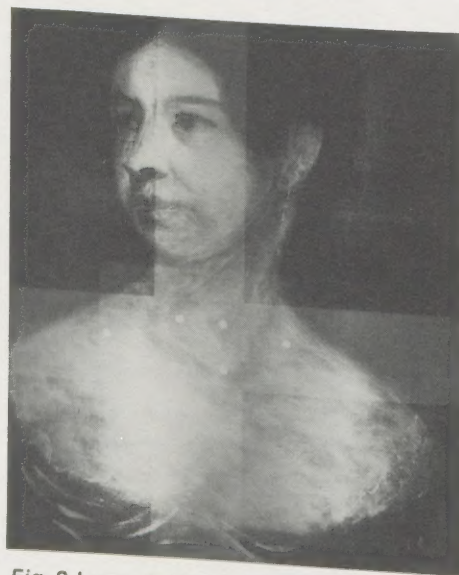


Fig. 3. Lucretia Pickering Morse, ca. 1816-1817.

An x-ray of the Zimmerman portrait shows the contrast between the application of paint in the facial area, where Morse's direct brushwork describes form through movement of the brush, and the brushwork in the sitter's right shoulder and bosom, where the paint has been dappled by a more hesitant hand, and does not follow the anatomical volumes of the figure.

IFAR EVENINGS

Whether they had questions about esthetics: what artist had a major influence on Picasso's work? about the law: am I in jeopardy when I appraise a work of art to be donated to a museum? about conservation: why is the abstract expressionist painting I bought ten years ago changing color? or about the accuracy of scholarly attributions, IFAR members and their guests found many answers in the 1982-1983 lecture series.

Participants in the programs included John Henry Merryman, Schweitzer Professor of Law at Stanford University; Stephen Weil, deputy director of the Hirschhorn Museum in Washington, D.C., and IFAR board member; Theodore Kaplan, general counsel of the Appraiser's Association of America and former general counsel for Sotheby's; Robert Rosenblum, Henry Iltleson, Jr. Professor of Modern European Art, New York University; Dana Cranmer, conservator for the Mark Rothko Foundation; and Michael Mallory, Professor of Art History, Brooklyn College, City University of New York.

November 17, 1982

**Legal Liabilities for Art Experts:
a panel discussion with John Henry
Merryman, Stephen Weil, and
Theodore Kaplan**

A large attentive audience of dealers, appraisers, collectors and museum curators gathered to hear three specialists in art and the law discuss five hypothetical cases covering a range of situations that art experts might face today. John Merryman, Stephen Weil and Theodore Kaplan attempted to distinguish real from imagined problems, and to discuss the ramifications of certain actions taken to resolve these problems. At the close of their discussion, Robert Weiner, counsel for the defense in the recently concluded case of Travis vs. Sotheby Parke Bernet (*Stolen Art Alert*, Dec. 1982) extemporaneously discussed the issues involved in that controversy.

Bonnie Burnham, IFAR executive director, introduced the panel of speakers, commenting on the fearful attitudes that prevail in the art market today. "The concern about incurring liability in the course of giving a professional opinion is something that has for several decades informed and affected professional conduct in the art world — whether the expert is associated with an institution, or a major commercial gallery, or is an appraiser. Ever since the landmark case of *Hahn v. Duveen*, in which Lord Duveen was sued successfully for disparaging a work that he did not believe to be by Leonardo da Vinci, people have felt very uneasy about how to make their opinions known concerning the authenticity of works of art. The danger is especially great when the work is in the marketplace, and its value can be significantly altered by what they have to say about it. Knowing this, many experts are reluctant to speak at all on questions involving authenticity. This is an overreaction to the situation that exists." Professor Merryman essentially agreed with Burnham, but the discussion that developed revealed that the apprehensions felt by many curators, dealers and appraisers are not without foundation.

The three experts discussed each case in turn.

Hypothetical situation I:

The A museum accepted as a gift from collector B a painting that both B and the museum's chief curator believed in good faith to be by artist C. As such, the painting would then have had a fair market value of \$100,000. On July 1, 1982, that is little more than six months later, the curator advised his director that after further research, he had discovered that the painting was indisputably a fake, and that its fair market value at no time exceeded \$1,000 rather than \$100,000.

Weil, speaking as a museum professional, felt the institution must act to assist the donor and inform him immediately to protect his tax liability and to enable him either to recover from the dealer from whom he acquired the work or take a casualty loss. If the museum routinely announces

reattributions, it must make the matter publicly known. He saw no obligation to report the findings to the IRS, but felt that the institution should be forthcoming and cooperative if approached by them, since, according to the IRS valuation training program, "the question of authenticity should be raised in every valuation issue involving works where a material tax consequence exists." Kaplan, who serves on the acquisition committee of a museum board, said his institution accepted gifts if authentic, but never asked for a valuation. That matter was left to the donor and the IRS.

After brief discussion all three panelists agreed that the museum had an obligation to publicize the change in attribution and to cooperate with the IRS if asked. The tax liability was the donor's obligation.

Hypothetical situation II:

For a loan exhibition in 1974, the G Museum borrowed a painting from H, which was believed in good faith to be the work of Artist J. It was reproduced in color in the catalogue and described glowingly in the text by the exhibition's curator as a "perfectly realized work of the master's late period." In 1980 the curator determined, but never publicly disclosed, that the work had been misattributed, and was by a lesser artist. In 1982, H, the collector, sent the painting to auction. In the catalogue of the sale, the auction house attributed the work to J, and without consulting the museum, both referred to its inclusion in the museum's exhibition catalogue and quoted the glowing description by the curator. What, if anything, should the museum do?

Weil felt the museum must act immediately, notifying the auction house and forcing disclosure from the podium, if necessary, to avoid liability from both the present and the subsequent owner. However, the present owner may also have grounds for disparagement since the museum did not notify him at the time their error in attribution was first discovered. Kaplan saw a huge liability on the auction house, which would then devolve upon the curator who had withheld knowledge of the change in attribution. He mentioned that there

have been several cases of this kind that were settled prior to litigation, and, therefore, the responsibility of the museum has never been decided in court. He also added that if the piece were sold without reference to the museum's catalogue, that institution's liability would be considerably reduced.

Merryman, however, disagreed sharply with this interpretation. In his view, the preparation, illustration and publication of the catalogue make the museum liable. The purchaser will certainly rely on it.

Hypothetical situation III:

Mr. Y has a gilt bronze candlestick, approximately three feet tall, of 18th-century European origin, which he bought for \$2,000. Mr. Y now wishes to donate the candlestick to a museum and take the highest tax deduction possible. Appraiser Z gives an insurance replacement value of \$15,000 on the candlestick. Mr. Y, who has asked the appraiser for an insurance appraisal, uses this appraisal in donating the candlestick to the museum. Is there anything wrong with what Mr. Y, or Mr. Z, or both have done?

There was considerable disagreement among the panel members on this question. Kaplan stated that appraisals for insurance purposes take into account the highest possible replacement value, and are generally not acceptable for gift purposes.

Merryman commented that he considered such a situation "scandalous," that fair market value should be constant, no matter what the circumstances.

Weil added that the IRS considers appraisals by companies or individuals engaged in the auction or appraisal business of "little or no value."

Kaplan acknowledged that the IRS recognized the inflated nature of insurance evaluations, but that they were necessary, since fair market value is not immutable, but varies greatly with timing and circumstances.

Hypothetical situation IV:

The K Museum is seeking to buy a rare set of six side chairs owned by Collector L. It has offered him \$18,000 for the set. L counters with an offer to sell the museum two of the chairs for \$7,500 each, and to donate the rest the following year. The net saving to the K

Museum will be \$3,000. Does this transaction create any problems for the K Museum? For Collector L? Or for both?

Weil cited *U.S. v. Wolfson* and saw the museum as possibly guilty of a crime and subject to prosecution.

Kaplan conceded "some liability" on the part of the museum.

Hypothetical situation V:

During an opening at his museum, Curator D remarked to Collector E that he had just that afternoon walked past Dealer F's gallery, and that "the painting they just stuck in his window is the worst fake you've ever seen." Collector E, who had previously expressed interest in the painting, advised Dealer F that, on the basis of Curator D's remark, he was no longer interested. Has the curator exposed himself to liability, assuming he is correct? What if he is incorrect, and the painting is not a fake?

Kaplan felt if the dealer is totally correct in his judgment of the work, he would have a basis for legal action against the curator. Merryman commented that Kaplan had moved from disparagement of the object to defamation of the dealer, an entirely different question. Weil added that there were very few defamation suits undertaken, since the object's authenticity had to be established first.

Merryman commented that experts were overly sensitive to the threat of legal liability and, therefore, too timid in their pronouncements. Responsible, scholarly opinion is always acceptable. He referred the audience to the College Art Association's statement on the subject and to Theodore E. Stebbins, Jr.'s excellent discussion of the problem.¹

At this point further discussion of the hypothetical cases was suspended to allow questions from the audience.

Q: Are forgeries commonly accepted by museums, allowing the donor to take a tax deduction?

Weil: Emphatically no! The trustees might be charged with fraud and the storage is too expensive to harbor fakes.

Q: When can a high figure for "replacement value" in an insurance appraisal be questioned.

Merryman: If the term "fair market value" is used, the appraiser exposes himself to potential liability in making excessively high appraisal.

Merryman and a dealer in the audience then each presented a method for arriving at "fair market value."

Merryman: In court "fair market value" is established by testimony and evidence presented to a judge or jury who then makes a determination; expert testimony, auction records, prior sales are all introduced. Assessing all of these produces "fair market value." Correctness of the judgment depends on candor of the witnesses...Consistent practice of misleading appraisals for the purpose of evading taxes...is a problem of public policy and it is a scandal!

Unidentified dealer: We take the replacement value and deduct 20-40% for the dealers' commission. In an estate appraisal, where items will probably be sold through a dealer or at auction, that figure can be used as approximately 50% of replacement value. This system has worked well, but it involves a lot of work and research that must be done by a good professional in the field.

To end the program Bonnie Burnham called on Robert Weiner, defense counsel for Sotheby's in the recently concluded suit brought against the auction house by Stuart Travis, formerly a vice president of Lehman Brothers and president of the Prometheus Fund, a private art investment corporation.²



The Sisters Paine.

Travis had purchased a painting, *The Sisters Paine* by Sir Joshua Reynolds, at auction at the Plaza Galleries in New York in 1977 for \$17,000. In 1978 he offered the painting to the Metropolitan Museum of Art contingent on an appraisal of \$80,000-\$200,000. Travis was advised to obtain an independent appraisal, and Brenda Auslander, then head of Sotheby's old master paintings department, agreed to give an appraisal as a courtesy to the Museum. When she decided it was not a Reynolds, but "a very nice (Tilly) Kettle," Travis sued for \$12.45 million.

Weiner expressed the view that had the case gone before a jury, the plaintiff might have won, so subjective and incomprehensible to the general public is the art of connoisseurship. The judge had difficulty understanding how opinions were ascertained, particularly since they were sharply divergent. According to Weiner, "The artist's having the name Tilly Kettle didn't help either."

The trial moved to the plaintiff's apartment, where various experts tried to explain their opinions with the painting at hand. "And if anyone has ever tried to explain to someone who is not familiar with art, and who doesn't have an eye necessarily as to why something isn't right, it was an education." Sir Ellis Waterhouse, the acknowledged Reynolds expert, in his testimony for the defense, explained that the expressions on the faces of the children depicted were "silly" as opposed to authentic Reynolds children who were "intelligent" in mien. "The court looked at me, I looked at the judge, and basically the judge said, 'Well, he's supposed to be the expert.'" But Weiner thinks a jury would have remained unconvinced and would have found for the plaintiff, deciding the evidence was not strong enough to change the attribution from Reynolds to Kettle.

The litigation took 2½ years, the trial 2½ weeks, involving three defendants and four expert witnesses, two for each side. The procedure was very costly. Brenda Auslander was subjected to a particularly difficult cross-examination, questioning her expertise on the work of Tilly Kettle. According to Wiener, ultimately the judge seemed to say that only a leading expert on a particular artist could make an appraisal.

Both the opinion of Sir Ellis and the question of "fair market value" figured heavily in the decision. Even as a Reynolds, the painting had sold at auction for \$17,000. No major Reynolds had been sold since that time. Therefore, \$30,000 was more than a fair estimate of value. If the painting ultimately proved to be worth \$450,000 as claimed by the defendant, then he had received a windfall.

Weiner emphasized that professional reputation is in great jeopardy in such court cases, and that even when the appraiser exhibits the greatest expertise, candor and good will, the outcome is by no means certain.

The discussion provided the capacity audience with opinion from several vantage points. Weil presented the museum's position; Kaplan, that of the commercial art world and Merryman, the objective attitude of the law court. Weiner described the experience of being accused and prosecuted for fraud. The message was clear. Even experts had best be cautious in this litigious society where the value of art has risen sharply and many collectors are now buying as much for profit as for esthetic enjoyment.

1. For the CAA statement see "Experts and Expertise," *Law, Ethics and the Visual Arts*, Vol II by John H. Merryman and Albert E. Elsen (New York, 1979): 6:135-6:138.

Theodore E. Stebbins, Jr., "Possible Tort Liability for Opinions, Given by Art Experts," *Art Works: Law, Policy, Practice* by Franklin Feldman and Stephen E. Weil (1974): 988-1008.

2. "Clouds Dispersed," *Stolen Art Alert* (Dec. 1982): 1-2.
"Calling the Kettle Black," *Art and Auction* (Feb. 1983): 13-18.

A complete transcript of the panel discussion is available from IFAR, 46 East 70th St., N. Y., N. Y. 10021 for \$10. □

January 19, 1983

Professor Robert Rosenblum was invited to deliver a memorial lecture in honor of Professor H.W. Janson, Professor Emeritus of Fine Arts at the College of Arts and Sciences and the Institute of Fine Arts, New York University, and one of IFAR's most valued and devoted board members. Rosenblum, who was collaborating with

Janson on a major work of nineteenth century Western art, chose the subject of "Picasso and Ingres." Fortunately Professor Janson had completed his part of the book, an analysis of the sculpture, before his untimely death. The work will be published this year.

Robert Rosenblum

Picasso and Ingres

"Rosenblum, like Picasso, thinks with his eyes," according to John Richardson, IFAR director, writer and art critic, who introduced Professor Rosenblum to the audience. Richardson particularly cited Rosenblum's article, "Picasso and the Coronation of Alexander III," published in *Burlington Magazine*,¹ in which he successfully contests the dating by Christian Zervos of several *papiers collés* by Picasso to spring, 1912. He assigns them instead to spring, 1913, based on the observation that fragments from two newspapers appear in these works, one dated March, 1913 and the other May 28, 1883, part of an article describing the coronation of Alexander III of Russia. The analysis is too complex to recapitulate here, but rests entirely on Rosenblum's perceptive eye which captured details that had escaped the gaze of every other critic.

Rosenblum then again demonstrated his extraordinary perceptual ability by guiding his audience through a visual consideration of Picasso and Ingres, in which he detailed with great discernment the influence of Ingres on Picasso throughout the latter's career. This brief summary will cite only a few of the many examples presented in the lecture.

To begin, Rosenblum commented that Ingres was not monolithic in style, as is often thought, but was capable of adapting and imitating any number of styles from the art historical past, showing great diversity in subject matter as well as style.² Picasso had been looking at Ingres throughout his career, "constantly reabsorbing various aspects of not only the look, but the feel and subject of his work." Picasso's portrait of *Gertrude Stein*, 1906 (The Metropolitan Museum of Art) seems directly derived from Ingres' painting of *Louis-François Bertin*, 1832 (The Louvre). In Ingres' *The Turkish Bath*,

1862 (The Louvre), we see "a confusion of traditional readings of depth, simultaneously deep and shallow." These structures were adapted by Picasso in *Les Femmes d'Alger*, 1907 (The Museum of Modern Art). Parted curtains, a theatrical device, were used by Picasso throughout his career. Ingres had used this device also to create a clandestine feeling.

The Grande Odalisque, 1814 (The Louvre) of Ingres was a painting "pillaged" by Picasso over the years. We even see it included in the background of a photograph of the artist in his studio, ca. 1912, emphasizing its importance to him. The torsion and turning of the body in *The Grande Odalisque* appeared in the Cubism of a later period, where bodies seem to "slither and slide," producing a "kind of compression that lets us see simultaneously less and more." The simultaneous profile and frontal head of *Girl before a Mirror*, 1932 (The Museum of Modern Art) is also inspired by the head of *The Grande Odalisque*. Marie-Thérèse Walter, Picasso's mistress and the model for this painting, is especially depicted in Ingres-like poses in a number of canvases.

Ingres' *Martyrdom of St. Symphorian*, 1834 (Cathedral, Autun) influenced Picasso's *Guernica*, 1937 (The Prado). The foreshortening of the saint's screaming mother is paraphrased in one of the Picasso figures. In 1811 Ingres' portrayal of the nymph Thetis in *Jupiter and Thetis* (Musée Granet, Aix-en-Provence) prefigures the pose of Picasso's stunned woman as she looks at the sky.

Picasso's *The Bathers*, 1918 (Musée Picasso, Paris) is a typical seaside painting, but "with a freedom of anatomical movement, which reaches extremes" in a variation on the classical motif of the "three graces." Ingres provided Picasso with the foundations for the themes and variations in this work. Picasso seems to want "to cast a magic wand on Ingres' inventions," to make them live again, get up, move around, assume new poses, to provide us with angles of vision of anatomy that Ingres concealed.

When Picasso married Olga Koklova he moved into Parisian society of the late 'teens and early 'twenties and adapted the portrait style of Ingres for his works depicting elegant men and women and even children. He particularly saw his wife Olga as a

reincarnation of some of the portraits by Ingres. *Olga Picasso in an Armchair*, 1917 (Musée Picasso, Paris) has an uncanny resemblance to *Madame Devauçay*, 1807 (Musée Condé, Chantilly). Olga became a recreation in art and life of Ingres' imagery.

The past was ever with Picasso. He borrowed from artists' works whenever he found an affinity to his own interests and attachments. For example, *The Algerian Women* by Delacroix, 1834 (The Louvre) excited him by its similarity to Jacqueline Roque, his last wife, whom he often painted in the 'Fifties in oriental costume: *Jacqueline in a Turkish Vest*, 1955 (Collection Jacqueline Picasso, Mougins). In Ingres Picasso seems to have identified with both the work and person of the artist. Ingres' *Raphael and the Fornarina*, 1814 (Fogg Art Museum) was a model to him

of how an artist could use his emotional life and experience in his painting; and to illustrate the degree of identification that Picasso sometimes felt with Ingres, there is the Ernest Ansermet anecdote of Picasso, dressed in black tie, ready for an evening in Parisian society, viewing himself in the mirror and murmuring, "Monsieur Ingres."

1. *Burlington Magazine* 113 (Oct., 1971): 604-607.
2. In his study of the artist, *Ingres*, one of the volumes in *The Library of Great Painters*, published by Abrams, Rosenblum has provided a definitive discussion of this point, of how Ingres transformed the work of his predecessors and made it his own. It is this book, coupled with Rosenblum's work on Picasso, that caused John Richardson to call him "the only art historian in the world qualified to give this lecture."



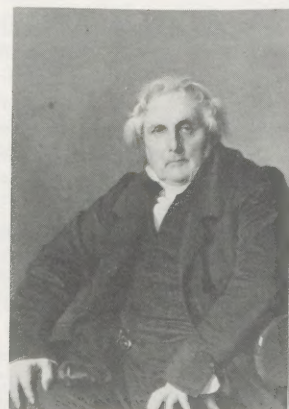
Gertrude Stein, 1906
by Picasso.

New York: Metropolitan Museum of Art



Portrait of Olga, 1917
by Picasso.

Paris: Musée Picasso



Monsieur Bertin, 1832
by Ingres.

Paris: Musée du Louvre



Madame Devauçay, 1807
by Ingres.

Chantilly: Musée Condé

February 9, 1983

Conservation is one of the areas in art that receives little discussion before lay audiences. Yet in contemporary art, especially, it is an area of major problems that affects many collectors and institutions. Commentary on the conservation of specific works is a sensitive issue, since the appropriate treatment for a given work is often the subject of sharply divergent opinions. In addition contemporary art has elicited a whole new range of techniques needed to preserve media heretofore never employed by artists.

Dana Cranmer

Conservation Problems of Contemporary Paintings

Dana Cranmer, conservator for the Mark Rothko Foundation in New York City, discussed in detail some of the problems faced by the conservator of modern works of art. Techniques of preservation have had to alter considerably in the second half of the twentieth century. This has been an age of expression and experimentation by individuals. After World War II many new materials were used to achieve unique visions and "craft" was often sacrificed in all this experimentation. Concomitantly new conservation techniques have had to be developed.

The problem of the conservator is two-fold, both to preserve the work and not to violate the intention of the artist. Some of these works were not intended to last, and much time has been spent recently in photographing and documenting art and in interviewing the artists in an effort to preserve "what they were supposed to look like." Sometimes preservation cannot be undertaken without altering the intention of the work.

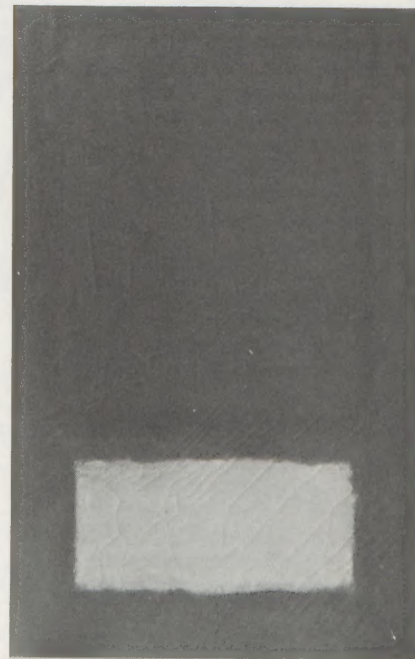
Van Gogh was an early problem. His direct application of thick pigment did not bond well to the canvas, and traditional conservation techniques often damaged the work further, resulting in a flattening of the original painted surface. In more recent times the problems have escalated. Food used as a medium, as by Dider Rot, has to decay. DeKooning mixed mayonnaise with his paint, causing severe bonding problems. Franz Kline employed house paint with a seven year life. The white

paint has yellowed and migrated into the black, and the stark contrast of the work has been mitigated. The impact has become subtler, and our perception of the artist's intention has been altered. Morris Louis used unprimed cotton duck, as did many artists of the period. The cotton duck absorbs grime and inevitably a shabby appearance develops. There is no preventative measure against such deterioration, but very strict environmental protection. In the case of the sculptor, Eva Hesse, the decay of much of her work since her death in May, 1970 has been irreversible. The rubberized cheese-cloth that she used is not only changing color, but is also oxidizing and pulverizing.

Cranmer also emphasized that some artists works were presented in a condition where it was difficult to tell if the "damage" was intentional or not.

The corpus of Rothko work entrusted to the Foundation has included many of these problems in addition to prohibitions from the artist himself in matters of preservation. He completely opposed the use of varnish. Cranmer agrees and says that its application affects the impact of the surface tremendously and "alters the experience of his paintings." Her discussion was focused on the five murals at Harvard University and the fourteen paintings in the Rothko Chapel in Houston. At Harvard changes in the appearance of the paintings are already documented. The blue paint, purchased at Woolworth's, is powdering. Oil paint was applied with layers of egg white between, "a compost pile of materials," which has been affected by sunlight. Here both technique and environment are responsible for the change. In the Houston chapel, most of the paintings were done by assistants under the direction of Rothko. The surfaces, which were later varnished, are now breaking up, creating white effects on black areas. Probably both experimental techniques and atmospheric conditions are responsible for the change.

The Foundation has over 1000 works by Rothko, 400 on canvas and 600 on paper. In 1969, a year before his death, Rothko numbered and inventoried the main body of his work still in his possession. After the estate was settled the Rothko Foundation received a share of works, but many



*Untitled by Mark Rothko
The deterioration of the surface
is clearly visible.*

arrived having already suffered from poor storage and handling. Many of the canvas works were unstretched and stapled to cardboard. Many of the stretchers had not been symmetrical, creating torque and uneven pressures which caused cracks in the paintings. New stretchers have had to be tailored to fit the out-of-square original surfaces of the paintings, a tedious and difficult process. Old conservation techniques applied to these paintings had been devastating. The paint film was saturated by wax resin. Cotton fibers had adhered to the surface, which was further deformed by overpainting and varnish. Some conservators had painted in the margins, changing the original shape of the canvas. Cranmer pointed out that the edges of the paintings were extremely important and that in overpainting they were often expanded, making it difficult to tell the artist's original intention.

The paper works presented other problems. Rothko often stapled the paper to plywood and in pulling it off the easel tore the edges. Signatures on the back were forced through in the mounting process, and there was mold growth on a number of the pieces.

Cranmer emphasized that nearly ideal storage conditions were vital to the survival of these works. The Rothko Foundation has tried to create this ideal environment with temperature and humidity control, acid free folders for the paper works and a system of rolling screens with stable hangers. Despite all these precautions very few of the paintings have survived without any damage at all, prompting a member of the audience to ask if all these considerations did not rule out Rothko for the private collector. Cranmer agreed that they may. She prefers the least work possible by the conservator, but knows from experience that conditions of exhibition and storage are critical. The Rothko corpus in the care of the Foundation will be lent to institutions on a long term basis until later in the decade when the collection will be dispersed, with gifts being contingent on the circumstances of care and display, carrying out the Foundation's commitment to the best preservation possible.□

March 16, 1983

A serious challenge to the authenticity of a work of art that has been regarded as one of the key monuments of our civilization deserves consideration and review by the whole scholarly community. It is in the spirit of airing such controversies that IFAR invited Professor Mallory to present his controversial theory about the attribution of the famous painting Guido Riccio da Fogliano at the Siege of Montemassi in the Palazzo Pubblico of Siena, Italy.

Professor Michael Mallory has set forth a theory that the 1330 fresco in the Palazzo Pubblico in Siena by Simone Martini is a much later version of the original painting. Excerpts from his lecture are set forth. Professor Mallory's views are hotly disputed by many scholars.

Michael Mallory

Controversies in Art: Guido Riccio da Fogliano at the Siege of Montemassi by Simone Martini

Michael Mallory and his collaborator Gordon Moran have

proposed that the fresco in the Palazzo Pubblico in Siena known as *Guido Riccio da Fogliano at the Siege of Montemassi* by Simone Martini is probably from a much later period, incorporating themes from frescoes that lie beneath it, and is, in fact, "a medieval fantasy, a composite, and a wonderful one at that."

It has been recorded that in 1330 Simone Martini was paid sixteen lire to paint two frescoes in a room now known as the Sala del Mappamondo, formerly the Sala delle Balestre, as part of a program depicting castles acquired by Siena from the feudal lords of the surrounding area. It is known that by 1314 there were already paintings of at least two castles in the room, and that on March 30, 1314 the decision was made to add recently acquired Giuncarico to the group. Then on May 2, 1330 Simone was hired to paint Montemassi and Sassoforte and on December 14, 1331, Arcidosso and Castel del Piano. Except for Montemassi none of these frescoes has ever been identified.

In 1979 during restoration work Leonetto Tintori discovered another fresco partly under the large representation of Guido Riccio da Fogliano and extending further down the wall. The question then arose: is this one of the four frescoes that Simone was paid to paint in 1330-1331? Mallory thinks it is. With Moran, a resident of Florence and a researcher in Sienese art history, he set about analyzing the style and iconography of both the famous Sienese painting and the newly discovered one under it. Based on consideration of his findings, Mallory believes the new fresco depicts the surrender of Arcidosso, known to have been added to the program of castles in the room in 1331. The town of Arcidosso has distinct similarities with the town in the fresco. It is actually built on a rocky escarpment, making the rugged landscape more than a convention. The castle sits right on the rocks, and its most prominent feature, a curved wall with a tree growing out of it, can still be seen today. Most town seals of Arcidosso, the earliest dating from the fourteenth century, depict its major feature, the castle, with a tree growing out of its side.

When first uncovered there appeared to be only a castle in the new fresco. Then the restorer, Giuseppe

Gavazzi, sighted a sheathed sword worn by an individual whose image had been badly damaged by a slingshot, rendering the fresco a *pittura infamante* or *damnatio memoriae* of this individual, a personage who had fallen from power. This figure, according to Mallory, is Guido Riccio, Siena's *capitano della guerra*, when all four castles painted by Simone were acquired. The gates of the town are open, and a second figure holds gloves in his left hand as a sign of surrender and fealty. This would be the Count of Arcidosso yielding the town to Guido Riccio, who held it and another castle, Castel del Piano, until they officially passed to Siena. Guido Riccio fell from power in 1333 amidst intimations of treason. He left Siena to return with marauding troops in 1340-1347 in the company of the Duca Guarnieri and was declared an enemy, thereby giving good reasons to have his memory eradicated.

Since documents make it clear that Arcidosso was painted after Montemassi, and restorers have determined that the newly discovered fresco representing Arcidosso was painted before the existing representation of Guido Riccio at Montemassi, the latter cannot be Simone's original representation. In his analysis of the large upper fresco Mallory noted a number of inconsistencies in the dating of the work to 1330. The walls and towers in the scene do resemble those of Montemassi, but they were not built until 1480. If Guido Riccio fell from favor why is he up on horseback, the main figure in the scene, in arresting attire with an imposing coat of arms, which might show fundamental errors in the heraldry of the Fogliano family? The scale of the large equestrian figure is scarcely integrated spatially into the work and has no antecedents in Sienese or Italian art.

The inscription looks more like Renaissance than Gothic script. The border of the scene also presents a problem, being not at all in the style of the fourteenth century.

There are a number of other "iconographic bloopers," indicating that the painting was based on later chronicles of the event and not on contemporary knowledge of the historical facts. A major point of contention is the so-called *battifolle*, a type of wooden siege tower, the

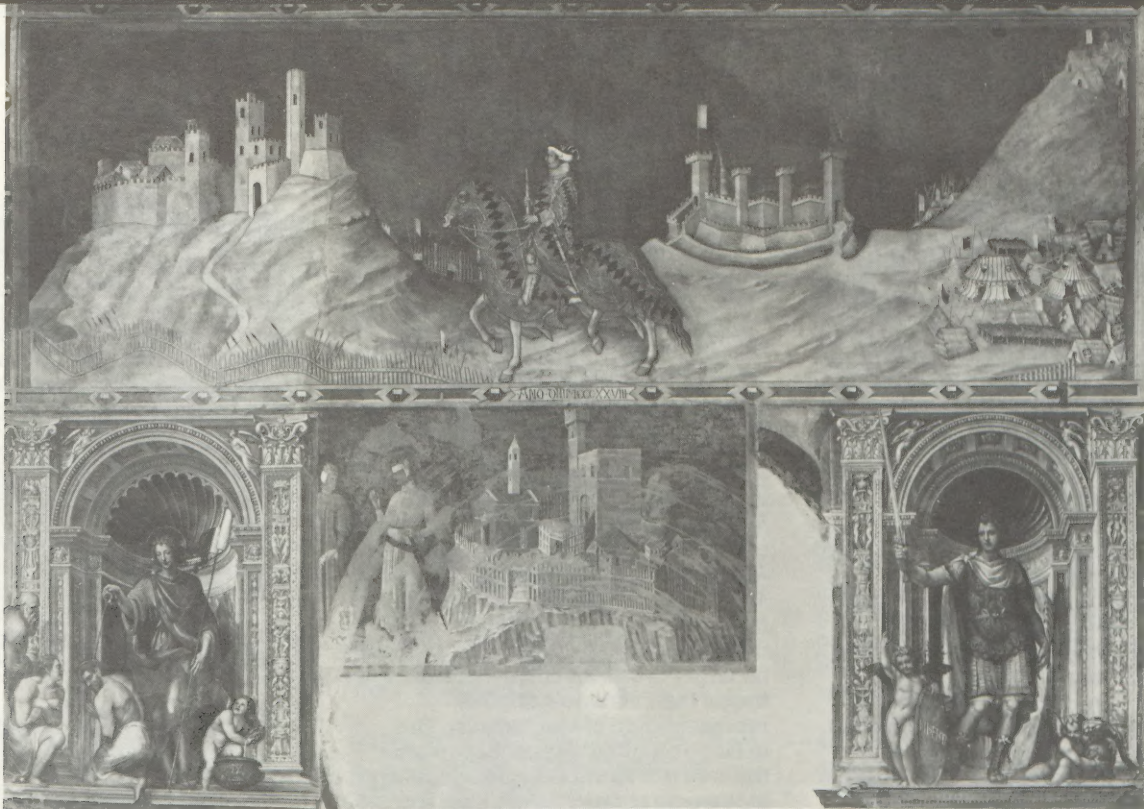


Photo: Grassi, Siena

Guido Riccio da Fogliano at the Siege of Montemassi *may be a 17th or 18th century fresco substituted for an original scene of the castle of Montemassi painted by Simone Martini in 1330.*

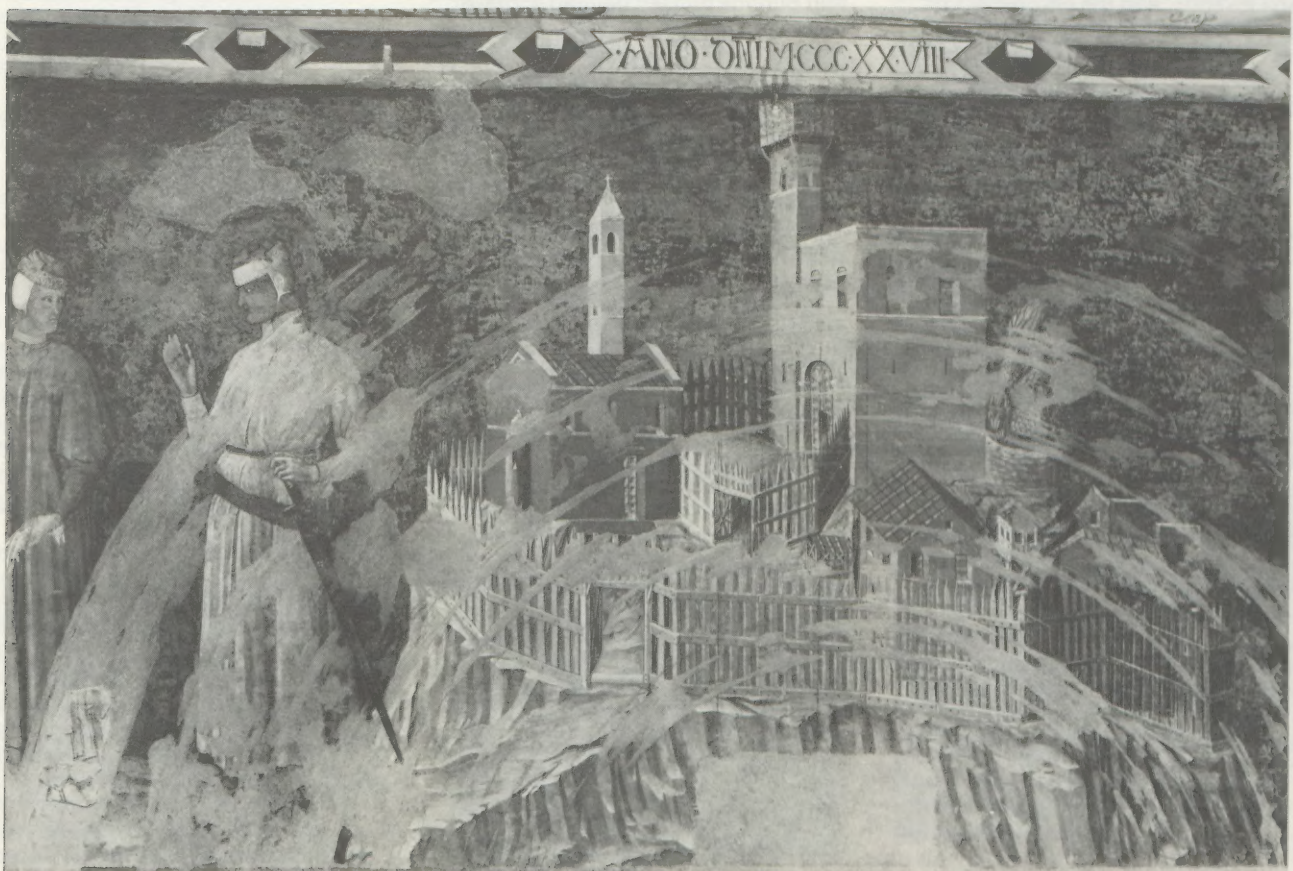


Photo: Grassi, Siena

A newly discovered fresco which may represent the Castle of Arcidosso and a portrait of Guido Riccio painted by Simone Martini in 1331.

appearance of which is not completely understood, but is known to have been an offensive structure, put up and taken down by carpenters. The structure to the right in the fresco has been called a *battifolle*, but its great double ditches, dressed stone walls and lofty towers seem all out of proportion to its purpose. Instead it seems to be a fantasy fortress with lower sloped walls meant to resist cannon fire and not at all consistent with warfare in the early fourteenth century. The siege of Montemassi actually took seven months, not seven years as documented in the chronicles, and such a fortification, even if the anachronistic features could be explained away, would never have been erected in that brief period for a temporary purpose.

The *vigna* was another term misunderstood by the later chroniclers. The *vigna* can be a defensive structure protecting troops coming up to attack a wall or it can be a vineyard. Those at Montemassi were of the military type, but they were long out of use by the seventeenth and eighteenth centuries when cannon had become the principal siege weapon, and the chroniclers of that period associated the term only with the making of wine. The painter of the fresco, relying on the chronicles, also read that the siege lasted for seven years, not seven months, and according to Mallory, "our artist put in two nice vineyards to round out the picture."

Mention of *Guido Riccio da Fogliano at the Siege of Montemassi* is conspicuously absent from sixteenth and seventeenth century descriptions of the Sala del Mappamondo. The work can be traced with absolute certainty only to the mid-eighteenth century. The painting may have been produced in a consciously archaic manner in response to a renewed interest in Siena's history which characterizes much of the city's intellectual activity during the seventeenth and early eighteenth centuries. If so, its style and conception — particularly its loose, free brushstrokes, light, "sandy" tonality, and exceptionally large *giornate* — would all make sense. It is "the newly discovered fresco with its deep, muted tonality, its more animated figures, and its accurately rendered and detailed architecture and landscape that are all

characteristic of Simone Martini and Sienese art around 1330."

In summing up, the Sala del Mappamondo did include a program of paintings of castles acquired by Siena from the feudal lords, two of which existed in 1314. In that year one more was added. In 1330 Simone was paid to paint two more, Montemassi and Sassoforte, and in 1331 Arcidosso and Castel del Piano were commissioned from him. The newly discovered fresco is probably Simone's depiction of Arcidosso with Castel del Piano, directly to its left, still to be uncovered. Guido Riccio is actually the figure with the sword in the Arcidosso painting. The famous fresco that surmounts the newly discovered one is a substitute, probably far larger in size and more whimsical in theme than Simone's original representation of Montemassi. The existing painting was perhaps placed there as late as the seventeenth or early eighteenth century. In any case it could never have been part of the original program as its dimensions alone would indicate; only two others of its large size could fit into the room, while it is known that Simone himself painted a total of four. Even before his documented involvement in the project, there seem to have been at least three other paintings in the Sala del Mappamondo.

There is the possibility that other castle frescoes — perhaps three more by Simone Martini — might still exist, covered by *Guido Riccio da Fogliano at Montemassi*. Encouraging such speculation is the fact that restorers have determined that the latter is an integral work done on its own layer of plaster which bulges out from the wall, suggesting that other layers of plaster lie beneath it. Preliminary investigations indicate that there may be as many as four layers of *intonaco* in the area of the encampment to the right.

Whatever the case may be, Mallory and Moran would like to confirm their chronological assignment of *Guido Riccio da Fogliano at Montemassi* to the seventeenth or early eighteenth century through further investigations of the walls themselves, but have received little encouragement from Italian authorities. Mallory describes himself as "still waiting for the ladder."

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Joan Huntoon

Stolen Art Alert

A complete run of *Stolen Art Alert* from 1979 to the present is available for \$100 from IFAR, 46 East 70th Street, New York, N.Y. 10021. The 1977 Index is \$25.

Thomas Hart Benton: A New Assault

The work of Thomas Hart Benton has not been treated in a kindly fashion by history. Notorious for his querulous personality, his grassroots popularity, his naive imagery, and especially the obstreperous stance he took in his later life against modernism and abstract art, Benton was made the brunt of both ridicule and reaction by the post-war generation of abstract painters. Even Jackson Pollack, who studied under Benton at the Art Students League and remained friendly with him afterwards, is quoted as saying, "My work with Benton was important as something against which to react, very strongly, later on." His statement typifies the views held toward the artist by two generations of younger artists and critics.

It is only in the last five years that Benton's work has again begun to attract serious interest and approval. Today, as artists are again exploring the possibilities of figurative painting, we can see the art of Benton as more than a literalistic representation of the artist's polemical chauvinism. We can appreciate it as a highly structured evocation of the power and force of nature, and as a tribute to the agrarian experience in America.

The recent return to favor of such American regionalist painting has been marked by a number of events. In the late 1960s, knowledgeable collectors began looking seriously at American realist art in the hope of finding quality works at reasonable prices, and in the 1970s this return to favor was evident in the number of handsome publications that became available on the American realists. As of 1980, a dramatic increase was evident in the auction prices commanded by American figurative art; these prices had grown as much as tenfold in the last decade, showing that American narrative painting has established a broad and solid audience.

This rapid growth has produced problems, for the artists in question were prolific, and there has not yet been, in most cases, a serious scholarly effort devoted to documenting their works. A flurry of forgeries has cropped up, infiltrating the market for the artists' works. Sometimes cunningly executed, these forgeries run the gamut from pastiches to purported studies for existing paintings, and include works by other artists that have acquired both signatures and spurious documentation. In the last year, seven ambitious

Benton forgeries have come to IFAR for examination, and IFAR has become aware that there are many other spurious works on the market. The artist did not make careful records of his production, and since there has as yet been no detailed scholarly study of his oeuvre, the problems are likely to persist in the future. These seven works are published here as a service to potential buyers.

Each has been examined by Robert C. Graham, Jr., vice president of Graham Gallery in New York and an expert on Benton's work, and Dr. Matthew Baigell, author of *Thomas Hart Benton* (Abrams, 1973), the principal book on the artist; these two experts were in concurrence on every work examined.

Missouri Flood. Oil on masonite, 15 3/4 × 19 3/4 inches. Signed and dated "Benton '47." (Fig. 1)

The first of the series to be examined by IFAR, this work has been sold to a California gallery, accompanied by a photo-certificate purported to be in Benton's handwriting, and a letter of authentication from Benton's son, T.P. Benton. It passed through several hands before it was shown to the Graham Gallery and pronounced a fake. Subsequently, it was referred to IFAR for more comprehensive study.

The work is a smaller and slightly modified version of *Missouri Spring*, 1945, now in the collection of the North Carolina Museum in Raleigh and published in the Baigell book *Thomas Hart Benton* (fig. 181). *Missouri Flood*, which depicts a theme that was repeated frequently by Benton, was sold as a study of *Missouri Spring*, and it bears a great superficial resemblance to that work. But close examination reveals that it cannot be by the artist.



Fig. 1. *Missouri Flood*. A forgery attributed to Benton.

The hallmarks that betray it as a forgery are the crude, generalized rendering of the farmhouse, the highly unanatomical conception of the mules, and the poor handling of the foreground vegetation. But above all, there is a lack of the underlying structure that informs all of Benton's compositions, which seem to be teeming with surging, rhythmic force. An abstract painter in his early life, Benton always composed his paintings so that the two-dimensional grids of the composition were clearly described. In fact, Baigell has noted that the artist's figurative work after 1920 can usually be "read" abstractly. His paintings are full of compositional closures which link the figures and forms to the landscape. The forger's work lacks this unity.

In addition, the forger has made an anachronistic error. The date of *Missouri Spring*, the authentic Benton, was published as 1948 in Baigell's book on the artist. Recent examination, however, has shown that the date reads not 1948, but 1945. If *Missouri Spring* was painted in 1945, the purported study for it could not have been done in 1947. We must conclude that the forger used the illustration in Baigell's book as the source for his composition. Believing *Missouri Spring* to have been painted in 1948, he gave his work an earlier date. The logic, however, fell apart when the correct date of *Missouri Spring* became known.

The photo-certificate from Benton, examined under IFAR auspices by a handwriting expert, proved to be a forgery. The authentication from the artist's son is probably an innocent mistake. Since he probably was basing his opinion on examination of photographs, T.P. Benton probably made the assumption that the painting was *Missouri Spring*, and not a copy of it.

Plantation Road. Oil on canvas. 14 × 20 inches. Signed and dated "Benton '44" (Figs. 2 and 3)

Sold to the same California gallery as *Missouri Flood* and by the same source, this work was brought to IFAR at the suggestion of the gallery after *Missouri Flood* was declared a fake. Like the former painting, it was presumed to be the study for a larger work — in this instance, *Plantation Road*, 1944, in the Carnegie Institute, Pittsburgh (Baigell, Fig. 103). It is also the work of a copyist.

The painting displays the same lack of detail in the woolly piles of cotton and spiky plants, the same lack of anatomical rendering in the animals, the same lack of structural harmony as are found in *Missouri Flood*. In the original of *Plantation Road*, the composition is strongly unified by two telephone poles that frame the central image, and by the mass of turbulent white clouds behind. In the copy, the forger has removed one telephone pole, perhaps to give the work some variation from its source, thereby implying an evolution of the image. But this removal destroys the compactness of the composition.

The white cloud mass is nothing more than a backdrop.

Georgia Cotton Pickers. Watercolor and ink on paper. 15 1/2 x 19 1/2 inches. Signed "Benton." (Fig. 4)

Sold in Kansas City to a New York dealer, this work was accompanied by a letter from a Mr. A.L. McDaris of Missouri stating that he had inherited the watercolor from his father, to whom it had been given by Benton. It is an exact but crude copy of *Georgia Cotton Pickers*, 1931 (formerly in The Museum of Modern Art), an early work that employs a decidedly synchronist palette and style. The watercolor borrows the pastel synchronist palette, but has a different feeling. The figures have a more defined character than Benton used in his original works, and lack the volumetric weight of Benton's authentic figures. The integration of forms and color are not well resolved, as they are even in early state sketches by the artist. The application of paint is streaky and the palette is too harsh for Benton's synchronist works. Pen and ink squiggles are used to outline and articulate the forms. These seem to be observed from other published watercolors by Benton, but they are over-used. The experts again condemned this as the work of a forger relying on the color illustration of the original in Baigell's book.

The author of the letter concerning the provenance of this watercolor has disappeared, and the alleged provenance cannot be checked further. It must, like the work, be dismissed as spurious.



Fig. 2. *Plantation Road*, 1944. The original painting by Benton.



Fig. 3. *Plantation Road*.



Fig. 4. *Georgia Cotton Pickers*.

Two Benton forgeries.

Leaving Home. Watercolor on paper. 17 1/2 x 22 1/2 inches. Signed "Benton." (Fig. 5)

Sold in Kansas City to a New York dealer, this is a clever pastiche of two original Benton paintings: *The Boy*, 1950 (Collection of Mr. and Mrs. Jack Resnick, Palm Beach; Baigell fig. 108) — a tempera work showing a young man with suitcase heading off down a country road and waving over his shoulder to his parents; and *Wreck of the Ole '97*, 1943 (Collection Marilyn Goodman, Great Neck, New York;

Baigell fig. 100) — an oil and tempera work which shows a train careening from the tracks, nearly colliding with a horse and cart. While the forgery successfully combines two Benton subjects — the pastoral landscape and the steam-propelled train — it has none of the vitality and narrative qualities displayed in both the originals from which this placidly rendered pastiche was derived. Baigell notes that the narrator does not tell us whether the young man intends to board the train or not; Benton would have made it clear. It

is also unlikely that Benton would have patched together two fragments of images which were first executed at widely different times in his career.

Cornfield. Watercolor on paper. 16 × 22 inches. Signed and dated "Benton '56" (Fig. 6)

Sold to a New York dealer, through the same source in Kansas City, this is also an effective pastiche. It is based largely on *Missouri Landscape*, 1956 (Private Collection; Baigell fig. 113). But within the bushes and trees that surround a hilltop church in the original pastoral scene has been placed a windmill lifted from *The Homestead*, 1934 (The Museum of Modern Art; Baigell fig. 40). At first glance, this is a most convincing composition. But when compared to *Missouri Landscape*, it lacks the forceful variation of texture, and the underlying rhythm which give the original its interest. The windmill, likewise, is a flatly-painted cartoon compared to the structure in *The Homestead* of 1934. And again, there is no logic to the idea that the artist would borrow servilely from an early composition simply to embellish a later one.

Plowing the Field. Watercolor on paper, 16 1/2 × 21 inches. Signed "Benton." (Fig. 7)

Sold to a New York dealer, this work has nothing in common with Benton's style, other than the presence of mules. It may be the work of a follower, or a wholly unrelated watercolor that has acquired a Benton signature.

On the back of the work, however, was an extra shot of credibility: a printed label from the Kraushaar Gallery, New York, with purported stock number, title, and artist typed on it. This authentic looking document would seem to show that it was sold as a Benton by a reliable source.

According to the Kraushaar Gallery, the label is fake. Although it shows an address occupied by the Kraushaar Gallery in the 1940s, it is unlike any label that the gallery has ever used. The same kind of printed label has also been seen on another work: a painting ascribed to William Glackens that was sold at the Schuster Galleries in New Windsor, New York in 1981.



Fig. 5. Leaving Home. A Benton forgery.



Fig. 6. Cornfield. A Benton forgery.

Neither has ever passed through the hands of the Kraushaar Gallery, and the Benton, at least, may be judged a fake.

Pitching Hay. Watercolor, approx 14 × 20 inches. Signed "Benton." (Fig. 8)

Sold in Kansas City to a Texas investment company, the work was brought to IFAR because of the controversy about its authenticity. The

buyer had received two opinions supporting its attribution to Benton and two others questioning it.

The experts consulted by IFAR agreed that it does not suggest the work of Benton. The haywagon does not leave enough space between itself and the picture plane; the mules are not blocked in the usual fashion; and the color harmony of dark blue and tan/



Fig. 7. Ploughing the Field. A Benton forgery.



Fig. 8. Pitching Hay. A Benton forgery.

brown are not Benton's. The field of activity is static and flat, as opposed to Benton's deep illusionistic or rigidly compressed space. The gestures of the figures are too abrupt. The work may be that of a follower or of an artist inspired by Benton's example. But it does not have the character of an original work by Benton.

Now, a great deal of information has been assembled about the character of the forgeries, and a chain of sources — including two dealers in Kansas City and one in the New York area — has been identified. The question arises, how can this process be stopped? The answer, unfortunately, is frustrating. Little more can be done to uncover the identity of the forger, even though most of the forgeries appear to have been released by only one or two sources. The only way to punish those involved in a fraud which has, to date, involved the sale of at least \$150,000 in forgeries, would be to prove a conscious conspiracy through criminal prosecution.

The Los Angeles Police Department has conducted an extensive investigation of the works that appeared on the market in California, but to date the District Attorney in Los Angeles has failed to bring a case against the principal suspect, a man in the New York area who has been convicted and jailed previously for fraudulent dealings involving art. Detective William Martin of the Los Angeles Police Department recently commented to IFAR that the case, which will depend on the prosecution's ability to bring in numerous witnesses from New York to support their allegations, will be expensive to prosecute. After a year of investigation, he is now uncertain whether it will be prosecuted.

So far, the FBI has shown no interest in entering the case. As with so many similar situations involving art,

the best defenses against acquiring these forgeries are close inspection, comparison with documented originals, and a consultation with a recognized expert about their authenticity. □

Bonnie Burnham

Colonel James A. Gray, Cavaliere di San Marco

The International Foundation for Art Research and the International Fund for Monuments have announced an administrative merger. With the assistance of the Kress Foundation, which will supervise current IFM restoration projects, the two organizations will combine their operations, although each will continue to be governed by its own board and will maintain its present programs. Inquiries concerning the International Fund for Monuments should be directed to the IFM, 46 East 70th Street, New York, N.Y. 10021. Telephone: (212) 517-9367. A brief history of the IFM follows.

When Colonel James A. Gray parachuted into Sicily and Salerno during World War II, he could not know that he was beginning an adventure that would last forty years, and would include the birth of a unique organization called the International Fund for Monuments, nor that, in 1982, a grateful Venice would make him a Cavaliere di San Marco, the only American to be so honored thus far.

A former real estate man from San Francisco, Gray had been called to active duty from the army reserve in November, 1940, and was to remain in the army for 27 years. He was wounded in Korea in 1951, and then posted back to Italy as Inspector General of the military base at Livorno in 1954. In that same year he married Alessandro Asinari di San Marzano, a member of a distinguished Italian family.

In 1960 he retired from active duty and returned to Rome, "looking for a challenge," as he puts it. "I don't know anything about art, but I was fascinated by the engineering problems in some of these restoration projects. Primarily I wanted something interesting and difficult to do." This statement does much to explain the eclectic and impressive list of restoration and conservation achievements compiled by the IFM since its beginning in 1964. Much of the work has been concentrated in Venice, both because of the need for conservation there, and because the city appeals strongly to American donors; 98% of the money dispensed there by the IFM has come from the United States.

Happenstance has governed many of the other choices of sites for restoration. The Easter Island project, which included the excavation and



Colonel James A. Gray is named Cavaliere di San Marco and is presented with the Key to the City of Venice by Mario Rigo, Mayor of Venice.

restoration of the giant statues of the Ahu Nau and the permanent reconstruction of the Orongo village, was brought to the Fund by Lindblad Travel. The company donated \$20,000 to initiate the undertaking. On a trip to Paris, Gray stopped at the Unesco office, where a project in Nepal was presented to him. The restoration of the Mahadev Temple at Gokarna in the Kathmandu Valley was the result. Gray says that this project especially fulfilled his criteria for selection: site visibility, high quality in the initial structure and low cost for restoration. The work was completed for \$23,000.

To make the Fund's work more meaningful to its participating individual members, Gray has encouraged the formation of city and state chapters of the IFM in New York, Boston, Washington D.C., St. Louis, Chicago, Los Angeles, San Francisco, Minnesota and North Carolina. Each chapter selected a specific project to support from among those presented to the Fund, and then raised the money for its completion. For example, the restoration of the late Gothic staircase of the Palazzo Contarini del Bovolo in Venice was entirely paid for by the Minnesota chapter.

He has also strongly supported national committees in each country where he has worked to cooperate in the selection of sites and their eventual restoration. Of these committees the one in Spain, vigorously encouraged by Queen Sofia and initiated with the help of Angier Biddle Duke, then United States ambassador there, and George Moore, former chairman of Citicorp, has been by far the most successful. Three major undertakings have been brought to fruition, all selected by the Spanish committee members. The fifteenth century Convent of the Coria in Trujillo — the birthplace of Francisco Pizarro, the Spanish conqueror of Peru — has been renovated and converted into a cultural center focusing on relations between Spain and the New World. The Trujillo restoration was an example of superb cooperation among members of an international team. The late Xavier de Salas de Bosche, chairman of the board of the Prado Museum, directed and supervised the work and had planned to assume the directorship of the cultural center. His widow Carmen de Salas has now taken this position. The IFM, the Samuel H. Kress Foundation and the Spanish Ministry of Culture each contributed \$100,000 with \$50,000 more

coming from the joint Spanish-United States Committee for Education and Culture toward the cost of the restoration and conversion of the Convent.

In addition the Fund has participated, with the aid of the Kress Foundation, in the restoration of the "Ochavo," the octagonal repository for the treasures of the Cathedral of Toledo, and the IFM provided the money to restore ten high Gothic choir stalls in the cathedral of Oviedo. Excited by the results of this conservation effort, a local committee in Oviedo has now raised half of the money needed to restore ten more stalls in cooperation with the Fund.

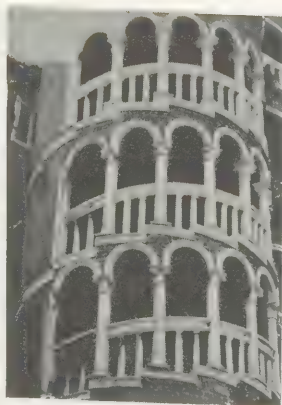
Other successful projects, demonstrating the great diversity of the IFM's interests, have been the restoration of Doneraile Court, a fine Georgian house in County Cork, Ireland; the establishment of an art conservation lab in Santiago, Chile; and the restoration of the church at Collymore Rock in the Barbados, damaged by a hurricane in the 1870s.

Since 1964 Colonel Gray has directed the IFM, receiving no salary, and contributing substantial amounts of his own money. He estimates that the Fund has dispensed over \$10,000,000 since its inception. The Kress Foundation has provided the major support, supplemented by contributions from private family foundations, individual donations and membership dues.

Now contemplating retirement, Colonel Gray has turned to the Kress Foundation and the International Foundation for Art Research for assistance in carrying on the Fund's work. Edwin L. Weisl, Jr., IFAR's President, has joined the IFM board, which is headed by Lucius R. Eastman, and Bonnie Burnham, IFAR executive director, will assume the post of administrator of the IFM. Marilyn Perry, executive vice president of the Kress Foundation, will oversee the restoration projects.

Burnham is planning a series of programs in 1983-1984 both to publicize the work of the Fund and to raise money to support its undertakings. Since 1964 the following projects either have been completed or are in progress. □

Joan Huntoon



The restoration of the Late Gothic staircase of the Palazzo Contarini del Bovolo in Venice was entirely financed by the Minnesota chapter of the IFM.

IFM Completed Projects

Italy

Venice

Historic guild buildings:

Scuola di S. Giovanni Evangelista — total structure.

Scuola di S. Rocco — restoration of 38 Tintoretto's.

Scuola dei Carmini — entire structure and paintings.

Churches:

S. Maria del Giglio — structure and organ.

S. Pietro di Castello — entire structure and organ.

S. Maria dei Derelitti — paintings.

S. Maria della Visitazione (the Pietà) — structure, organ, and ceiling paintings.

S. Moise — paintings.

Madonna del'Orto — Bellini paintings.

Synagogues:

Schola Canton — entire structure.

Other buildings or structures:

The Campanile of the Frari — structural repairs.

The Campanile of S. Pietro di Castello — bell system.

Ca d'Oro — repair of facade.

Ducal Palace — restoration of Scala d'Oro and ceiling paintings in the Camera del Maggior Consiglio.

Querini Stampalia Library — heating and storage facilities.

Palazzo Contarini del Bovolo — staircase.

Villa Projana (Vicenza) — entire building.

Laboratories:

CNR (National Research Center) — a computer, financial assistance for underwater research.

Art Restoration Laboratory of S. Gregorio — equipment, salaries of technicians.

Abbey of the Misericordia — construction of entire art restoration laboratory.

Florence

Church of Orsanmichele — restoration of the statue *San Marco* by Donatello.

Bologna

San Petronio — restoration of facade of cathedral including sculptured portals of Jacopo di Quercia.

Spoletto

Church of Madonna di Loreto — complete restoration of building and paintings.

Spain

Toledo

Creation of museum space, restoration of *Ochavo*, both part of cathedral.

Oviedo

Restoration of high Gothic choir stalls.

Trujillo

Restoration of 15th century Convent of the Coria and creation of a cultural center therein.

Ireland

Doneraile Court — restoration of building in concert with Irish Georgian Society.

Kilkenny — restoration of traditional cottage in concert with Irish Georgian Society.

England

Stratfield Saye — assisted in restoration of the Siborne Model of the Battle of Waterloo.

Wentworth Castle — restoration of Gothic Folly.

Ethiopia

Labibela — 11th century stone-hewn churches.

Chile

Easter Island — archaeological program.

Santiago Art Restoration Laboratory — equipment.

Nepal

Mahadev Temple near Kathmandu — total restoration.

Tangiers

Former U.S. Consulate — blueprints for restoration-renovation of historic, first U.S. consulate, a gift to U.S. by Sultan of Morocco in 1821. This project in collaboration with TALMS (Tangier American Legation Museum Society).

Barbados

Collymore Rock Complex — financial assistance for restoration of church complex.

United States

New York Public Library — assisted financially in restoration of marble lions in front of building.

Georgetown University Library — purchased the Meyer Celtic Collection (books, manuscripts, papers, etc.).

The IFM has also sponsored a number of publications. These and other books related to its restoration projects are offered for sale through the Fund office with a discount offered to Fund members. A complete catalogue, describing each volume in detail, is available upon request from the International Fund for Monuments, 46 East 70th Street, New York, N.Y. 10021. The special members price appears in parentheses.

<i>The Florence Baptistry Doors</i> (Viking Press), introduction by Kenneth Clark	\$50.00 (\$40.00)
<i>Venice Restored</i> (UNESCO) edited by Peter Lauritzen	\$4.00 (\$3.00)
<i>Four Golden Horses in the Sun</i> (IFM) by Ottavio Vittori and Anna Mestitz	\$8.00 (\$6.80)
<i>Venice: An Anthology Guide</i> (IFM and Lund Humphrey Publishers) by Milton Grundy	\$15.00 (\$12.00)
<i>Jews and Synagogues</i> (of Italy) (Edizione Storti) by Umberto Fortis	\$3.00 (\$2.40)
<i>Ruskin's Venice</i> (Whitney) by Arnold Whittick	\$15.00 (12.00)
<i>The Stones of Venice</i> (Little Brown & Co.) by John Ruskin, edited by Jan Morris	\$30.00 (\$24.00)
<i>Venice: A Thousand Years of Culture and Civilization</i> (Atheneum) by Peter Lauritzen	\$7.00 (\$5.60)
<i>The Church of the Pietà</i> (IFM) by Diana E. Kaley	\$4.50 (\$3.60)
<i>Portfolio of Canaletto Etchings</i> with commentary by J.C. Links and 32 reproductions on 22 sheets, 16½" x 21", suitable for framing.	\$150.00 (\$120.00)
<i>Easter Island, Land of Mysteries</i> (Holt, Rinehart & Winston) by Peggy Mann	\$8.00 (\$6.40)
<i>Easter Island publications</i> (IFM)	
Preliminary Report of Archaeological Field Work, February — July, 1968, Easter Island by William Mulloy	\$4.00
Preliminary Report of the Restoration of <i>Ahu Vai Uri</i> , December, 1970, Easter Island by William Mulloy	\$4.00
Preliminary Report of the Restoration of <i>Ahu Huri A Urenga</i> and <i>Two Unnamed Ahu at Hanga Kio'e</i> , April, 1973, Easter Island by William Mulloy	\$4.00
Investigation and Restoration of the Ceremonial Center of <i>Orongo</i> , Easter Island. Part I, 1975 by William Mulloy	\$4.00
<i>Easter Island Settlement Patterns in the Late Prehistoric and Protohistoric Periods</i> by Patrick McCoy	\$6.00

IFAR in Cuzco

The International Foundation for Art Research is joining forces with the Committee for the Defense of the Artistic Patrimony of Cuzco in Peru in a project to catalogue and make a photographic record of the Spanish colonial religious paintings in the churches of Cuzco.

A group of expert consultants, including art historians, cataloguers, photographers, and a computer expert, has been organized by IFAR to go into the field for eight weeks in August and September 1983. This team will be headed by Dr. Humberto Rodriguez-Camilloni, a Peruvian art historian who was instrumental in the development of the Tulane University Latin American Photo Archive (TULAPA). The committee in Cuzco is providing work

space for the foreign participants at the National Institute of Culture offices in Cuzco. IFAR has raised funds for all other expenses, and hopes to establish a fund for the long-term support of the project.

Cuzco, the great capital of the Inca Empire, continued to be a wealthy and influential town in the sixteenth to the eighteenth centuries under Spanish domination, when numerous artworks were produced to embellish churches and chapels throughout the Spanish empire. Until recently, the churches were well cared for, but the land reform in 1969 put an end to a system whereby a guardian or *economo* slept in each church every night in exchange for the right to farm the church lands. Since then there have been many thefts, and these works have started to appear on the international art market.

The first priority of the team will be documentation of the paintings and assessment of their state of preservation. Recommendations for conservation will then be made. □



The Virgin of the Rosary of Pomata
Cuzco, 18th century.

IFAR Board Profile: Donald Oresman

Donald Oresman, a member of IFAR's board of directors, reflects in his varied activities the interrelationships that exist among institutions and organizations in the art world by virtue of their board members.

Oresman is currently chairman of the board of the Museum of the American Indian located at 155th Street and Broadway which has just announced a plan to join its collection with that of the Museum of Natural History and move to new quarters to be constructed between 77th and 81st Streets on Central Park West. Dr. Roland Force, the Museum's director, gives him high marks for his performance in this job. "He is the ideal chairman. He does his job, and he lets me do mine. He never interferes with the collection. In many museums that is not the case. The chairman of the board will often make decisions that should be determined by the professional staff."

In addition, Oresman serves on the boards of the New York Landmarks Conservancy, a private organization that seeks to have historic buildings preserved and renovated for new uses, and the New York State Preservation League, through which 800 lawyers provide free legal services to artists and small arts groups. He is also chairman of the board of the Larchmont Public Library, a post that reflects a major interest in his life.

Oresman is primarily a book collector, whose art collection mirrors his love of books. He now has several hundred twentieth century prints, drawings and water colors, all images of people reading, by a range of artists "from Henry Moore to William Steig." Oresman says he has eschewed earlier periods to avoid "countless saints holding books."

A partner in the law firm of Simpson, Thacher and Bartlett, he has furnished his office in Battery Park Plaza with thoughtful and carefully selected items that reflect his personal interests and a high degree of connoisseurship. Furniture designed and manufactured by Gustav Stickley, ca. 1908-1912 — sofa, chairs, table and a piano bench which serves as a coffee

table — accompanies his father's desk, a late nineteenth century dictionary stand, a rug from New Mexico woven by the Ortega family of Chimayo, 75 miles north of Sante Fe, two painted candelabra made by a tinsmith in Cuernavaca, Mexico about twenty years ago, and a large Eskimo sculpture of a bird with a small hawk's head and folded wings. On one wall hang a nineteenth century wool Vermont quilt in the log cabin pattern, the star-nosed mole as depicted by J.J. Audubon in *Quadripeds of North America*, and an original comic strip drawing by Frederick Oppen from his Happy Houligan series, ca. 1910-1912. Two walls of the office are glass, framing Oresman at his desk with a panorama of lower Manhattan and Ellis Island and the Statue of Liberty floating in New York harbor. Two long rows of briefs cover one side of the huge desk, which is otherwise clear. A mere description does not do justice to the tasteful and felicitous atmosphere that its occupant has created in this office.

The work day begins at 6 A.M. and ends about 7 P.M. Oresman says he could accomplish much more if he really tried, and that we all have more time than we realize. His voluntary work with art, books and preservation is his recreation. Sports hold no interest for him and he seldom watches TV. He is clearly a man with commitments to his profession, the community in which he lives and society at large, a man of quiet reserve which somewhat conceals his esthetic sensibility and enthusiasms.

Oresman began his professional life, not as a lawyer, but as a journalist with the Scripps-Howard *Pittsburgh Press* from 1946-1954. A graduate of Oberlin College, he attended Columbia Law School after his stint as a newspaperman and says he had always had an interest in art, but "I had no talent." However, others have recognized his considerable talents in many areas. Alvin M. Josephy, Jr. invited him to join the board of the Museum of the American Indian. Edwin L. Weisl, Jr., IFAR president and a former law partner of Oresman at Simpson, Thacher and Bartlett, introduced him to IFAR and its program.

Oresman believes strongly in the organization and its aims, to control theft and encourage proper authentication, but firmly advocates maintaining a sense of balance in every

attitude and position, and urges that "we go through life assuming that most people are honest." In speaking of the art market, he sees "tens of thousands of transactions done in good faith," with most people well served by the candor and reliability of the dealers. He says that his own experiences have been very positive, and thinks the proper education of the public to authentication problems should be a prime objective of IFAR. "Anything that exposes fraud is a real service to the community. On the other hand, we mustn't get in a frame of mind where everything is fake." He is strongly in favor of authorized reproductions for the education and edification of the general public, even though he recognizes that some of these objects may well cause trouble in the market in later years, especially among a naive clientele.

In discussing archaeological issues he is a pragmatist. Although he states with finality that he would not purchase an antiquity that lacked a proper export permit from the country of origin, he does not favor repatriation of objects removed in the past, such as the Elgin marbles, which Greece has persistently tried to retrieve from the British Museum. On the question of the integrity of an archaeological site to enable the most complete understanding of the past, he says, "There are certain restrictions that clearly make sense...but there is more to life than reconstructing the past. There is such a thing as the values of enjoyment...Maybe countries (of origin) would be well advised to accommodate the world's interest in these things and allow a certain amount of trade." Oresman clearly believes "a wholesale ban in the art market is short-sighted. A reasonable balance is more useful."¹

His own current collecting goal is somewhat less complex. He is seeking two Stickley spindle backed chairs with arms, "not too comfortable. I don't want to encourage people to stay too long," to replace two Windsor armchairs, ca. 1920, purchased at a library sale, that stand in front of his desk. □

Joan Huntoon

1. See the review of *The International Trade in Art* by Paul M. Bator in this issue for an expression of similar views.

The Museum of the American Indian: Migrating Tribes

In a part of Manhattan where tourists never visit, where resident New York art lovers go only occasionally, and where even critics miss the press openings, stands the world's outstanding collection of art and artifacts relating to the indigenous inhabitants of North and South America. More than 1,000,000 items, collected by George G. Heye between 1896 and 1957, make up the holdings of the Museum of the American Indian.

Housed in a building on the Audubon Terrace at 155th Street and Broadway, which has space to display only 4% of the collection, the Museum has just announced a plan to merge its collection with that of the Museum of Natural History and to move to new quarters to be constructed on the grounds of that institution at 81st Street and Central Park West. The plan will bring together under one roof the Museum's collections, its research branch, now located at 3401 Bruckner Blvd, and its library, now at 9 Westchester Square, both in the Bronx. Lewis Davis of Davis Brody Associates will be the architect.

Donald Oresman, IFAR board member, is chairman of the Museum's board of trustees. Together with Dr. Roland W. Force, the Museum's dynamic director, he will be engaged in a \$50,000,000 fund raising effort to finance the move.

At present, Dr. Force says he has been "putting our exhibits in other people's houses." In 1978 the New York Customs House played host to *Echoes of the Drums*. In 1979 *The Ancestors* was sent to Peking's Museum of Chinese History. Recently *Star Gods of the Ancient Americas* was put on view at the Museum of Natural History, where 144 artifacts were viewed by 250,000 people in four months' time. The exhibition is now at the Adler Planetarium in Chicago. On its home ground, the Museum of the American Indian is visited, at most, by 40,000 people a year to see the 50,000 objects on display there. There is no space available for special exhibitions, and when one is mounted, such as the multi-



The Buffalo Hunt by Red Bird (Ma-Pe-Wi). Zia, New Mexico. 20th century.

Photograph courtesy of the Museum of the American Indian, Heye Foundation

media *Arctic Art: Eskimo Ivory*, now on view, few visitors come. The special press opening failed to lure even one art critic or news reporter.

Despite its neglect by the public and its forgotten location, the Museum boasts one of the most sophisticated collection management systems in the country. The entire catalogue has been computerized, with video disk as the next step; 108,000 images can be stored on one disk, making it possible for researchers to view any item in the collection, quickly, and without the excessive handling that many of these delicate objects cannot tolerate. When the move to the new building takes place, each object will be photographed as part of the necessary inventory procedure.

The collection began when George Heye, a young Columbia University engineer, took his first job in Arizona in 1896, where he met a Navaho woman chewing the seams of her husband's shirt to soften it for wearing. He bought it from her for five dollars. From then until his death in 1957, he used his own means to amass the collection now known as the Heye Foundation, Museum of the American Indian. His father, Heinrich Heye, had

sold his oil interests to John D. Rockefeller, thereby providing the funds that his son used to sponsor research in North, Middle and South America. This program of support for excavation and research at a time when a sponsor could keep his finds with little concern for "divisions" with local departments of antiquities or state preservation commissions resulted in the spectacular collection owned by the Heye Foundation today.

Dr. Force, an anthropologist by profession, estimates that his staff of fifty will have to be increased to two hundred with a minimum of six Ph.Ds to adequately cope with the classification, exhibition and care of the collection. The small staff now in place has tremendous enthusiasm for the work at hand, strongly supporting their director, who first came to the Museum in 1976 as a consultant to head a task force supported by a grant from the New York Community Trust. After one year, his program was accepted by the Museum's board, and he was invited to stay on as director.

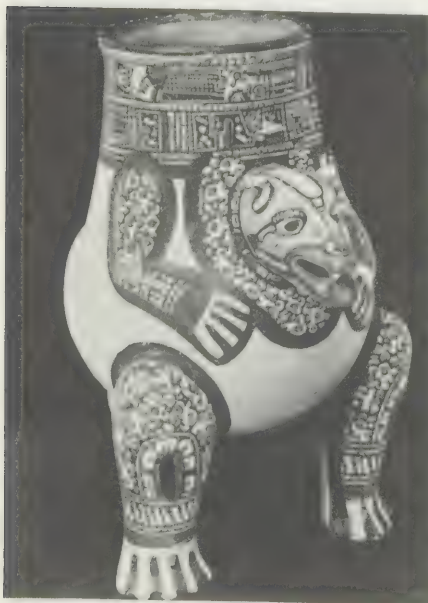
Force wants the new exhibition space to be as flexible as possible with ceiling and wall grids that will allow the greatest variety in the arrangement of

artifacts on exhibition. He is a strong proponent of museology as a recognized profession. He feels that the museum's mission is "both to instruct and entertain," and espouses an editorial approach when mounting an exhibition. Creative lighting effects with "dramatic masterpieces juxtaposed in space and vying for attention" are hallmarks of his technique. In a limited way the current installations on the third floor, *Where the Jaguars Are Exalted: Animals in the Art of Middle America* and *Arctic Art: Eskimo Ivory*, demonstrate what awaits the public in the future.

In the present building there is a small shop with tasteful merchandise including some very good jewelry and a fine collection of books, including the Museum's own publications. The latter group, subsidized by the Heye Foundation, includes scholarly studies, monographs, and bibliographies of importance to the field of Indian art and anthropology, all priced between one and five dollars.

Museum hours: Tuesday-Saturday: 10 A.M.-5 P.M. Sunday 1 P.M.-5 P.M. Library and Research Branch: by appointment. □

Joan Huntoon



Tripod jar with jaguar head in relief and rattle legs, 750-1000 A.D. El General Puntarenas, Costa Rica.

Photograph courtesy of the Museum of the American Indian, Heye Foundation



Pipe with carving of a man's head, 1850-1870. The man depicted on the pipe, if he is an Eskimo, was probably from the Kuskoswim River area of western Alaska, the only area where men had facial hair. His hair may be cut in a tonsure, a style that was characteristic of the region in the 19th century.

IFAR in the News

IFAR's coverage of the Delaney Collection fraud in *Stolen Art Alert*, March-April and May, 1983 was picked up and featured in a major article in the *Maine Antique Digest*, July, 1983, p. 16.

Art and Auction, June 1983, p. 11, also noted IFAR's publication of the case as well as including a summary of the Foundation's services and recent activities in their article, "Take a Bite Out of Crime."

Bonnie Burnham, IFAR executive director, was moderator for the "Fakes and Forgeries" session at the national conference of the Appraiser's Association of America held in New York City on June 3-5, 1983.

Burnham also attended the 78th annual convention of the American Association of Museums in San Diego in June, and was featured and quoted in an article in the *Los Angeles Times*, June 11, 1983.

In ARTnews, Summer, 1983, she is also quoted on her advice to collectors, delivered in a talk at the 1983 World Art Market Conference held in Los Angeles on March 16-17, 1983.

In February, 1983 *Museum News* published her article "Peru Marks a Milestone in the Antiquities Trade." □

Photograph courtesy of the Museum of the American Indian, Heye Foundation

February 28, 1983

Looking at Art: Connoisseurs on Connoisseurship

a symposium with Colin Eisler, Konrad Oberhuber, Lawrence J. Majewski, Edmund P. Pillsbury, and Bernard V. Bothmer.

Connoisseurship is a subject guaranteed to generate discussion, sometimes intellectual, sometimes lively and witty, often controversial and frequently acrimonious. Acrimony was absent from the IFAR symposium, but the other ingredients were present in full measure. The program elicited an enthusiastic response from the capacity audience, who was offered both a stimulating set of ideas and theories as well as much very real, practical knowledge on how to assess a work of art.

Since the end of the nineteenth century, the theories of Giovanni Morelli, an Italian art critic who was also trained in philosophy and medicine, have been an important factor in the training of the connoisseur. Although less influential today than it once was, his approach still has its strong adherents. Morelli concentrated primarily on the problems of attribution, and tried to derive a system reduced to specific principles. He looked at minute schemata, the treatment of the hands, the ears, even a fingernail, and found the artist's method of dealing with these details equivalent to a signature. However, the method only seemed to produce results when used by an expert. With an unskilled viewer only absurdities resulted.

The great critic Max J. Friedlander rejected this pretense of rational analysis, and declared that recognition of personal style was a matter of intuition based on experience. Ernst Gombrich agreed with Friedlander with some modification. "The personal accent of the artist is not made up of individual tricks of hand which can be isolated and described. It is again a question of relationships, of the interaction of countless personal reactions, a matter of distribution and

sequences that we perceive as a whole, without being able to name the elements in combination."

Another system of analysis which is less widely practiced in the United States is that of Otto Pächt, the Viennese art historian whose theories have had a strong influence on Konrad Oberhuber, one of the IFAR symposium participants. Pächt sees the critic or connoisseur as frequently bogged down in interpreting bits of conscious conventional symbolism, rather than analyzing the whole work of art as a cultural symbol. This broader, unconscious symbolism is produced by the training and the national origin of the artist.

The symposium revealed that exact criteria by which we recognize an artist can be articulated, but not necessarily agreed upon. Each connoisseur has his own feeling about and approach to a work, and although a group of critics may all ultimately reach the same conclusion in judging the authenticity of a piece, the signposts along the route to the final decision may be different for each expert.

However, after almost four hours of solid talk on the subject of understanding imagery, all the participating experts seemed to agree with Otto Pächt, who offered this comment on his own work, "Denn meiner Überzeugung nach gilt für die Geschichte der Kunst: am Anfang war das Auge, nicht das Wort." (In the beginning was the eye, not the word.)

The following scholars participated in the symposium: Colin Eisler, Robert Lehman Professor, Institute of Fine Arts, New York University; Konrad Oberhuber, Professor of Fine Arts and Curator of Drawings, Harvard University; Lawrence J. Majewski, Co-chairman of the Conservation Center, Institute of Fine Arts, New York University; Edmund P. Pillsbury, director of the Kimbell Art Museum, Fort Worth, Texas; and Bernard V. Bothmer, Professor of Fine Arts, Institute of Fine Arts, New York University and Keeper Emeritus of the Wilbour Collection, Brooklyn Museum.

Colin Eisler

Science vs. Viscera

Colin Eisler described the "most powerful" reaction of the connoisseur as visceral, as a critical evaluation that is not an absolute science, but one in which sensibility makes the final judgment. This kind of connoisseurship is a matter of feeling that cannot be taught, but can be cultivated. The connoisseur is not necessarily an historian nor a scientist, but is open-minded and willing to take information from a large variety of sources. He may have to convince others of his views using audacity, showmanship, and imagination, and is at the same time "inspired, modest, and arrogant."

Eisler then went on to describe science as an aid to connoisseurship, using the notebooks of Jacopo and Giovanni Bellini as examples. The Louvre has drawings of Jacopo that have been inked in over graphite on vellum. In the National Gallery in London, graphite in similar works has sunk into the paper, giving a "ghostly effect," and strongly altering the perceptions of the viewer. The connoisseur's reaction to the two sets of drawings may be quite different. Infra-red photography applied to these drawings helps to bring out the substructure of the work and the intention of the artist. It gives an appreciation of Bellini as a sculptor, rendering him to Eisler "as an artist of far greater force" than previously thought, and offering a prophecy of "Titian's sublime style to come." □

Konrad Oberhuber

The Holistic Approach

Oberhuber began by referring to his Viennese origins and his exposure to the attempts to turn connoisseurship into an exact science. He strongly questions the visceral approach, and believes it is possible to teach connoisseurship to students, to instruct them to distinguish an original from a copy, particularly those copies done in a different time and place from the original. Each artist reflects the style of his national background. "We all approach the world with a set of perceptions that are culturally conditioned, and these in turn effect all of our judgments."

He compared Piero della Francesca, where the artist invites you into the picture "layer by layer" into its depths, where figures have weight and gravity, to Fouquet, where "the eye hits the surface and glides over it," where the artist thinks in terms of surface organization. Modelling comes second. We have here two different psychological outlooks, a different relationship to space. The French geometrize. The Italians have a front to back interpretation. In Poussin Oberhuber senses the grid coming through, in Fragonard, a beautiful pattern arranged on parallel lines. This sense of geometry comes down to us, "clearly finding expression in Cezanne and Cubism."

To fortify his argument Oberhuber showed an alleged Matisse drawing, a known forgery, which to him lacks the necessary geometric rigor. Instead he finds "flat images that fail to activate the surface," and are not characteristic of Matisse, "who was a very French artist."

Oberhuber suggested that careful observation of small details can determine both the nationality and time period of a work of art. American art is "unconcerned with European esthetics," and has "directness, simplicity, the immediate experience of reality." The great achievement of Rothko and Pollock was concern for the material.

Dutch art is surrounded by an atmospheric quality never found in French art. The diagonal line is used to create vibrating patterns. Verticality is stressed.

Oberhuber likes to believe that "landscape shapes a nation, and a nation shapes a landscape," but in America European art historians find "a strange dichotomy between light and landscape: the northern landscape of Germany combined with the southern light of Sicily."

However, in any case these characteristics can be learned, and although some people may have more acute perceptive abilities than others, Oberhuber firmly believes that connoisseurs are not born, but are created by good training. □

Lawrence J. Majewski

The Scientist's Contribution to Connoisseurship

Majewski began by stating flatly that there is "no technical substitute for the well-trained eye." The scientist's contributions are auxiliary to the curator's skills. The conservator's contribution is in the area of ascertaining materials and technique and in determining if there is an alteration from the original conception. He will often be called upon to settle disputes, and must be familiar with the technique of a given artist in a given year.

Majewski cited the binocular microscope as the single most useful tool in the conservator's repertory of aids, since it reveals changes in tone, differences in value, overpainting and abrasions as well as a detailed view of the artist's signature. Also frequently used are radiography, and the long range ultra-violet, sodium vapor and infra-red lamps, all non-destructive tools. In pigment analysis, a test for zinc may indicate a date of the nineteenth century or later. A heavy, regular craquelure is also typical of the late nineteenth century, when a great deal of resin was used with the paint medium, producing an "alligator" pattern on the surface of the work.

In Majewski's view it is "an unpardonable sin to condemn a genuine work as false, and it is equally wrong to conclude an object is genuine because no inconsistencies are found."

He then gave a number of examples of authentication problems that he had dealt with including an alleged David painting, a genuine work by Velasquez, and the famous Greek horse of the Metropolitan Museum of Art.

The painting, signed by David, was being considered for purchase by a major museum, but examination with a binocular microscope and ultra-violet light revealed that the signature had been altered. The work was by another artist. Infra-red photography applied to the Velasquez painting revealed both changes made by the artist and later restoration work. Majewski felt that the alterations in the work, all done at the time of the original composition, were a good clue to authenticity. "Usually a forger will copy what he sees, and does not include the mistakes."

Majewski then discussed the celebrated case of the Greek horse at the Metropolitan Museum of Art. The bronze horse had been purchased by the Museum in 1923 from a Paris dealer, and until 1961 had enjoyed enormous popularity with the public. Thousands of plaster reproductions were made and sold in the Museum shop. Then on September 15, 1961 it was removed from exhibition, branded a forgery by Joseph V. Noble, then vice director for administration at the Met. The opinion was seconded by Dietrich von Bothmer, the Met's curator of Greek and Roman art. Noble thought he detected a "fin" or mold mark on the piece left by the sand casting process, and declared that the horse had been made in Paris between 1918 and 1923. The horse previously



Bronze statuette of a horse,
1st century B.C. to
1st century A.D.

The Metropolitan Museum of Art, Fletcher Fund, 1923

had been thought to have been made by the lost wax process, a method common in the Classical Greek period.

In 1967 Noble discussed his findings in a seminar on forgeries held at the Museum,¹ and the horse was included in the accompanying exhibition. It was at this time that Majewski felt that he "had to prove that it was genuine." In his IFAR symposium presentation, he gave a detailed account of the process by which the conservation lab restored the reputation of the piece,² which is now back on display in the Met's Classical Greek galleries.

The "fin" mark from the mold was superficial, appearing only in the wax covering, which had probably been applied when the Museum acquired the horse in 1923. This tell-tale line had been created by the edges of the piece mold that had been made for the plaster reproductions. The figure, indeed, had been made by the lost wax process, and the core material inside was dated by thermoluminescence to 500-50 B.C., proving conclusively that the horse is not a modern forgery.

Majewski carefully documented each step of the examination, noting that there were "a number of strange things, not expected in a modern casting." The lower part of one of the legs had been cast on, probably as the result of a mistake in the original casting. Rather than throw the piece away and start over, a new leg was made and cast on, a common practice in early antiquity. Repairs on the surface to cover numerous flaws where metal did not flow evenly into the mold are also characteristic of antique bronzes. Majewski's masterful analysis of the lab's findings raised a question about his modest disclaimer at the beginning of his remarks. In this case the scientist was surely more than an auxiliary to the curator. □

1. Joseph V. Noble, "The Forgery of Our Greek Bronze Horse," *Bulletin, Metropolitan Museum of Art* XXVI/6 (Feb. 1968):253-256.

2. Kate C. Lefferts, Lawrence J. Majewski, Edward V. Sayre, and Pieter Meyers, "Technical Examination of the Greek Bronze Horse from the Metropolitan Museum of Art," *Journal of the American Institute for Conservation* 21/1-2 (1981):1-42.

Bernard V. Bothmer

Collecting Egyptian Art Today

Bernard V. Bothmer delivered a detailed and witty discussion on collecting Egyptian art today. In his view, it is still possible. The great age of collecting may be over, but there are yet many good pieces available to the private buyer. He described five works purchased in the preceding year, one, at auction for an "embarrassingly low price," and then proceeded to describe other possible opportunities for acquisition.

He noted that in looking over Sotheby's catalogues since 1835, many major pieces, life sized or larger statues, have been sold. The whereabouts of many of them is unknown today. One-half of all the major statues offered in New York, London or Paris in the last century cannot be located, but they must still exist somewhere.

About thirty years ago, the Minnesota Institute of Art sold its entire Egyptian collection through a dealer on 57th Street. In 1978 the Museum of Fine Arts in Boston sold fifty important pieces, primarily from pre-World War II excavations, awarded to the Museum by the Egyptian Department of Antiquities in the post-excavation division of finds.

According to Bothmer, even experts in the field are not always well informed about extant collections. In 1972 I.E.S. Edwards, then Keeper of Egyptian Antiquities at the British Museum, was invited to give a lecture at Winchester College, and there discovered a major collection of sculpture from the Temple of Mut at Karnak, which had been excavated by Margaret Benson in the 1890s. The British Museum bought the heads, but the other works were dispersed, their whereabouts unknown today.

In this country the Phoebe Hearst collection of 8000 Egyptian antiquities, excavated for her by George Reisner between 1899 and 1905, is sequestered in the anthropology department of the University of California at Berkeley.

Bothmer concluded with a colorful narrative describing the recent history of an Egyptian sculpture which is now on loan to the Brooklyn Museum. □

Edmund P. Pillsbury

Museum Collecting Today

Pillsbury described in some detail the difficulties and problems encountered when a museum director is trying to build a major representative collection, as he is doing today at the Kimbell Museum in Fort Worth. "A great deal of modesty is necessary in buying works of art for a public institution: towards the work, towards other scholars, and towards the public. Only the test of time will tell how successful we have been. It will be ten to twenty years before we know how these acquisitions will stand up." Public response is often slow. The one thing the public is sure it wants is a genuine work of art, and some of the "best forgeries, best fakes, are still hanging" in some of our major museums.

As an example of the pitfalls of collecting, Pillsbury described his own failure in assessing a painting by George Stubbs, "seduced by the beautiful state of preservation, fine horse...and the rarity of finding this kind of painting." Had he looked at it more carefully, he would have noted the compositional discrepancy in the placement of the figures, and realized that the painting had been significantly cut down from its former size.

Pillsbury is not enthusiastic about the Morelli technique, which he categorized as "the connoisseurship of hands." He describes connoisseurship as a pursuit of understanding quality rather than an attempt to subject works of art to a scientific method of analysis. In deciding what to buy he looks first for visual appeal: does the work excite or move the viewer? Does it have intellectual and emotional appeal to a sensitive and informed person? He gets as many opinions as possible, especially from someone outside the specific field, who is a great connoisseur. He relies on experts on the specific artist for dating and attribution, and then assesses the importance, rarity and condition of the work, the needs of his collection and the price. He emphasized that many important artists are not discussed in art historical texts. An excellent work by Chibotte was purchased by the Kimbell that was largely ignored in the market. On the

other hand, when a rarity comes along, a great opportunity to fill a gap in the collection, then the director has no choice but to make the purchase as the Kimbell did with a Velasquez and a David.

Another important question is how much damage, deterioration, and restoration can be accommodated before a work becomes undesirable. Pillsbury strongly defended his choice of a Claude, ca. 1636, which had been refused by several top museums, because its state of preservation was good enough to embody the important qualities of the artist intact.

The Museum's purchase of *The Cheat* by Georges de La Tour was

another controversial acquisition. The painting had been refused by other institutions, on the basis of its condition and its close similarity to a work in the Louvre. The painting is damaged, but large areas are intact. X-ray after purchase revealed many alterations in design. Figures were actually moved, making the Fort Worth painting probably the first version of the Louvre work, which shows no changes. Pillsbury enthusiastically described his acquisition as possessing "a richness that suggests Vermeer."

The need to fill gaps in the collection and the scale of the galleries have been strong considerations in purchase decisions. The museum

building, designed by Louis Kahn, has limited large picture space, but smaller works show to considerable effect. Occasionally a high price has been paid to fill a lacuna in the collection, such as the purchase of a Picasso from the Norton Simon collection. Only time will tell if the expenditure was necessary. The Kimbell purchased a Cézanne from Henry Ford II, and then two years later acquired a comparable Cézanne at a considerably lower price.

Pillsbury's comments revealed enormous pleasure in his work, but also exposed the considerable pressures to which the museum director is subjected. □



Coast Scene with the Rape of Europa,
1634, by Claude Lorrain.

Fort Worth: Kimbell Art Museum



Lord Grosvenor's Arabian with a Groom, ca. 1765,
by George Stubbs.

Fort Worth: Kimbell Art Museum

Sydney J. Freedberg and
Konrad Oberhuber

A Museum Collection of Forgeries

Freedberg was scheduled to speak but could not attend. Oberhuber delivered the lecture extemporaneously from Freedberg's notes, using the latter's slide selections.

The Fogg Museum of Harvard University has acquired a collection of forgeries through donations from dealers and collectors. These pieces are now being used to demonstrate to students the use of technique by the old masters and its misuse by forgers.

According to Oberhuber, the "forger looks at the skin of the other work," and then renders the surface, rather than the reality of the original, failing also to reproduce the spatial and structural qualities. "The modern sense of personality overcomes the desire to imitate the older work."

The Fogg had a "Goya" until a Prado expert questioned its authenticity in 1954. The Fogg conservation department then examined the painting, and determined that it was a provincial eighteenth century piece that had been transformed into a work of the master. Raphael is another problem artist. There are many imitations reworked from the paintings of his lesser known contemporaries. Daumier is commonly forged, either by completing his unfinished work or out of whole cloth.

Oberhuber then showed several examples of forgeries from the Fogg collection: a Courbet, Monet, Renoir and Pissaro, all of which lacked, according to him, unity of purpose, structure, depth and definition. The skin in the Renoir had a powdery quality as well. He commented that even distinguished art historians often fail to discern the differences, and that artists and collectors are best at recognizing forgeries. Forgeries "appeal to our sense of prettiness. We are taken in by the easy flow of their lines, whereas a great work of art presents difficulties, makes us work for acceptance." Oberhuber closed with questionable works by Degas, Van Gogh, Signac, Kokoschka and Utrillo. □

Joan Huntoon

This symposium was made possible by a grant from the Mary Duke Biddle Foundation.



Fogg Museum, Harvard University

Portrait of Marie Isabelle, Queen of Both Sicilies, a forgery formerly attributed to Goya.



Fogg Museum, Harvard University

Le Pont, a forgery formerly attributed to Courbet.

A New Corpus of Rembrandt Paintings

A Corpus of Rembrandt Paintings I 1625-1631 by J. Bruyn, B. Haack, S.H. Hevie, P.J.J. van Thiel, & E. van der Wetering, with the collaboration of L. Peese Binkhorst-Hofscholk. The Hague, Boston, London, 1982. 700 pp. \$300

At a recent lecture at the Institute of Fine Arts in New York, two of the authors of the first volume of *A Corpus of Rembrandt Paintings 1625-1631*, discussed the methods used in gathering the information presented in this important and controversial reinterpretation of Rembrandt's works. The two speakers, Josua Bruyn, an art historian at Amsterdam University, and Ernst van der Wetering of the Central Restoration Laboratory in Amsterdam, have been working on this new study for over ten years. The experts explained that although there is a wealth of material already written on Rembrandt, it was important to examine in great detail all the aspects of each work. As a result of this investigation, the scholars disattributed a number of previously accepted paintings, and authenticated a number of formerly questioned works.

The objective of this new corpus is to bring a greater insight into Rembrandt's working methods, and to distinguish his work from other hands. To do this, it appeared necessary to look at each individual painting with fresh eyes. Artistic criteria such as brushwork, tonal values, richness in the use of contours, manipulation of light and shade were all analyzed in an attempt to separate the authentic paintings from copies. Along with a thorough and comprehensive study of the front and back of each painting, an x-ray was taken whenever possible. The x-rays clearly indicate the order in which the artist applied the paint and illustrate the various points at which the artist changed his mind before executing the final painted version. In addition, all the documentary evidence on each work was reexamined, often yielding new and important information.

One of the techniques used to determine whether a work was authentic was to put similar works in a

"cluster" in order to facilitate visual comparisons and set up criteria for evaluating these works. By doing this, parallels could be seen in the ways the artistic personality of the artist manifested itself. During the course of the re-examinations, the experts discovered that the planks for different panels often came from the same tree and were probably used in the same workshop. A panel from one suspect painting in The Hague came from the same tree as the panels of twenty other authentic works, adding to the credibility of its authenticity.

The corpus is divided into three sections: A) authentic works by Rembrandt, B) those works whose authenticity cannot be positively established or rejected, and C) paintings which cannot be accepted as original works by Rembrandt. The works have been renumbered according to their place in this corpus. The careful stylistic and technical examination performed by the experts has resulted in a number of previously acknowledged works by Rembrandt being demoted to the C category.

One that was discussed by Professor Van der Wetering is *A Christian Scholar in a Vaulted Room* (C 17), ca. 1631, in Stockholm's National Museum. It depicted a solitary scholar reading at a round table next to an open window at viewer's right. A large arched doorway at left with drapery at either side leads to an unspecified spatial area behind. It is the experts' judgment that the signature, "Rembrandt.f.1631.," on a sheet of paper on the table is not authentic. Although the spelling of Rembrandt's name without the "d" was used in authentic works of 1631, the monogram "RHL" was more commonly used, and it is possible that the inscription was added at a later time. At the lecture, however, Professor Van der Wetering stated that the work does not have the stylistic combination of crispness and softness characteristic of Rembrandt and that the architectural construction in the background is poorly defined.

The painting is now considered to be a copy of a lost original by the artist. The catalogue further notes that "this notion is strengthened by the deduction that can be made from a comparison with an engraving, *S. Anastasius* by Pieter de Bailliu, ca. 1650, showing the same scene in reverse and assumed up

until now to have been made after this painting." However, the slight changes in the composition of the engraving, particularly in the arrangement of the table and its pedestal, indicate that it was based not on C 17 but on the lost original. Contributing significantly to this opinion was the x-ray, which showed that compositionally the de Bailliu print follows more closely the initial conception in C 17, which can be seen in the reserve areas of the x-ray, rather than the final painted version, establishing that C 17 and the print were both based on an earlier original work. The x-rays also revealed little contrast and a lack of structure in the image of the scholar.

IFAR asked Professor Egbert Haverkamp-Begemann, Professor of Fine Arts, Institute of Fine Arts, New York University and an expert on seventeenth century Dutch painting, for his opinion on this first volume in the *Corpus*. He believes that the gravity of the disattributions has been exaggerated by the press, and that many of the works had already been removed from Rembrandt's oeuvre by other experts. He also feels that the new corpus would be more useful and convincing if there were less space devoted to long descriptions and more to visual information. He added, however, that the work has added a great deal to the knowledge of Rembrandt's works.

The second volume will be published next year. □

Virgilia H. Pancoast



Detail of *A Scholar in a Vaulted Room* (St. Anastasius), 1631, by Rembrandt

Stockholm: Nationalmuseum

The International Trade in Art by Paul M. Bator. The University of Chicago Press, 1983. 108 pp. \$16.00, \$6.95 (paper). Originally published as *An Essay on the International Trade in Art in Stanford Law Review* (volume 34, no 2, January 1982).*

Reviewed by Bonnie Burnham.

No one interested in art law today could fail to be concerned with the controversy that has evolved in the last ten years over governmental restriction of international art trade. Paul Bator's book is a welcome and much needed arrival in this area. It is remarkable for the comprehensiveness of its documentation, the thoroughness of its logical argument, and the humanistic perspective in which Professor Bator couches his conclusions. But the most outstanding quality of the book is the clarity of thought which informs his discussion of a subject that has been so lamentably cloaked in misunderstanding, exaggeration, and rhetoric.

Professor Bator's work is a critique of the way nations attempt to control their cultural heritage, an analysis of the Unesco effort to bridge these different systems of national control, and a review of the changes in our perception of these issues in the last decade. The book opens in 1969 with the publication by Dr. Clemency Coggins of a short article in *Art Journal* identifying a crisis situation, involving the looting of the pre-Columbian monuments of Mexico and Guatemala to fill the demand of the world market for major pieces of pre-Columbian art.

Expressions of outrage against archaeological looting were not new, as Professor Bator notes, but Dr. Coggins' approach was compellingly different. Rather than evoke emotional arguments and impressionistic scenarios, she carefully documented the destruction that had been done — in many cases by "thinning," or cutting down huge stone slabs to render them more easily transportable. She then documented the eventual disposition of the shattered fragments of these stones in the world's prestigious museums, many of them in the United States.

Dr. Coggins' account of the "Maya Crisis" created indisputable evidence of the scale and consequences of the illegal traffic in art treasures. The publication played an important role in

giving credibility to the contention that the problem had to be taken seriously. The next year, when Unesco considered recommendations for an international convention to deal with this problem, the United States sent a large, well-informed delegation to negotiate the language of the Convention.

Professor Bator was a member of this delegation. He recalls the 1970 Unesco deliberations as chaotic, the results as often accidental. At times the process produced duplication and illogic. Some of the delegations came well prepared, while others appeared "baffled" by the issues and procedures at hand. Some of the delegates held emotionally charged views about free trade, while others represented countries — such as those of the Communist block — which tolerated no art trade at all.

The issues were also genuinely very difficult. "They were substantively difficult, implicating conflicting values invested with emotional intensity and intellectual weight. They were also 'structurally' difficult, because their solution called for a complex interplay between the sphere of international law and diplomacy on the one hand, and numerous and divergent systems of domestic law and politics on the other."

Unesco's draft, which served as the working text, is characterized by Bator as "a document designated for a Heavenly City in which everything is utterly orderly, tidy, and subject to perfect and all-encompassing controls." Its central Article 6 called for every member country to prohibit the export of cultural property without a state-issued certificate, and for every member country likewise to prohibit the import of all cultural property not accompanied by such a certificate. The United States, of course, was prepared to accept neither condition. Its delegation proposed substantive changes which would effectively make the Convention a form of response to international crises: theft from institutions, and overwhelming losses to the archaeological or ethnographic heritage of a people.

The delegates thus confronted two diametrically opposed systems: the "blank check" system of international customs control, proposed by the Secretariat with support from the Third World and Communist countries, and a more neutral administrative "umbrella"

for action to contain an international crisis situation without disturbing the sovereignty of domestic law, which the United States, joined by the European countries, advocated. The Convention that was finally adopted represents a compromise between those provisions which contain substantive obligations on the part of the States parties, and those that pay lip service to humanistic values that are unenforceable as doctrine. Professor Bator tells us how to read between the lines of the text and distinguish between the two.

His reading of the text makes it apparent that the Convention never presented the kind of threat that it was understood to pose to the American free art market. It might, in fact, have been most expedient for that market if the U.S. enabling legislation, which has now become law, had taken effect immediately. But Professor Bator would be the first to note that history does not always follow the most expedient route. The Convention's ratification by the United States Senate in 1972 provoked an enormous controversy. In order to deal with the questions this controversy raised, Bator returns to an examination of the very concept of illicit trade.

What constitutes illegality under existing law? Bator tells us that "illegality in this context has a complex structure." Most countries regulate the export of works of art, and that regulation takes a variety of forms. In some instances, illegal export involves a form of illegal taking or theft; in others, the smuggler may have lawful title; in yet others, the question of title may be ambiguous "as a matter of law or fact." Bator tells us the general rule: that "customary international law has never been interpreted to render the importer or possessor of an art object subject to action solely on the ground that the object was exported in violation of another country's laws." A propos of American law he further states that "no U.S. authority, judicial or diplomatic, has ever asserted that under international law such a cause of action exists. Further, no court in the United States, state or federal, has ever recognized an action based on domestic common law against the holder of such an object, or an action to disturb its possession on such grounds." However, in the last ten years, that general rule has been qualified, and perhaps also "eroded."

It was qualified in 1972, by the passage of a statute barring the import of illegally exported pre-Columbian monumental or architectural sculpture or murals. As Bator notes, the rationale of this statute is still one of cooperation in an international effort to stop looting, rather than the enforcement of a foreign law. The material whose export is prohibited poses no problem for enforcement, since monumental pre-Columbian art can be identified easily and is clearly defined in the statute. Controlling the import of this material is thus an exception to the general rule. (Of the subsequent "erosion," more later.)

In sharp contrast to the empirical rule that trade in art should be free stands the recent precedent of export legislation in most countries of the world, where it has become difficult, if not impossible, to remove important objects from the country, even if the exporter holds clear title to the objects. The countries take the position that such objects are part of their national patrimony, and must be retained. This position puts them on a collision course with the collector outside the country who — upheld by the "general rule" — can freely acquire illegally exported works. Bator feels that the fault for this collision of values lies not in the domain of international law, but rather in the basic premise of "blank check" export control, as exercised through these domestic statutes.

While he recognizes the destructive nature of archaeological looting, and admits that it is certainly aggravated by the international market, Bator still questions whether the prohibition of export is directly relevant to preventing looting. It is important to preserve archaeological evidence, but Bator says this value "does not tell us that antiquities should stay at home permanently. It does not tell us that nations are entitled to keep their own art. It tells us that the excavation of archaeological sites should proceed with the care and expertise necessary to assure the acquisition of knowledge." In Bator's view, the harder it is to obtain objects legally, the more intense the demand on the black market. Hence, total embargo on export may well have a negative effect on the efforts of the country concerned to preserve its cultural heritage. Bator suggests that other countries look at the English and

Japanese systems as good examples of the best way to preserve the cultural heritage of the people. In both countries, illegal export is practically unknown, partly because a significant level of legal trade is tolerated, and partly because the cultural objectives of the country and its citizens are well identified. To participate in enriching the cultural life of the country is a source of pride.

Bator's argument for liberalized export of antiquities does not take into account the differences between a country that is rich in identified cultural treasures (such as England and Japan), and a country that is rich in undiscovered archaeological material, much of which leaves the country's borders within hours or days of its discovery, only to surface as the crowning glory of some foreign collection. The author is not unaware of this difference, but he persists in his belief that "blank check" export embargo is a bad idea for another reason. In no instance — excepting the cases of truly repressive societies like Russia and China — has it been shown to work. Broad embargoes cannot be enforced physically, economically, or politically, unless, of course, they are enforced by another country.

Bator suggests, instead, a series of reasonable criteria for the receiving countries to follow in establishing import control, when

- a) it is demonstrable that illegal export threatens the very preservation of an important category of artistic treasure or archaeological remains;
- b) export would significantly damage what the world community recognizes as another country's patrimony;
- (These are real crisis situations.)
- c) the import controls proposed do not create or encourage an impractical, overbroad or unfair customs enforcement;
- d) the import controls will lead to a situation of "genuine accommodation among competing values."

(These serve the interests of international diplomacy.) Such selective controls are outlined in Article 9 of the Unesco Convention, which Bator sets forth as the best mechanism for reaching common goals.

To dispose of the last issue concerning import control, that of retroactivity, Bator applies his usual wisdom. "We should not bar the import of art objects which have had a long and undisturbed existence in another country after they were first smuggled out of the country of origin." We should, however, take steps to prevent the abuse of dealers' "salting away" hot antiquities for long periods of time. It should be noted that this situation has been anticipated in the enabling legislation passed by the United States.

The other important situation to be considered in relation to an illegal art trade is the question of stolen art. This matter is fundamentally different as treated in the statutes, since several remedies exist. The National Stolen Property Act controls interstate traffic in stolen goods; the state criminal statutes punish domestic crime, and the civil codes provide recourse to damages and recovery for original owners of stolen property.

In addition, special treaty arrangements (with Mexico and Peru) have recently been established, which pledge cooperation in recovery of stolen antiquities, and Article 7b of the Unesco Convention creates special provisions for recovery of stolen objects appertaining to the inventory of foreign museums or religious or secular public monuments or similar institutions (this is specifically non-retroactive).

In general, the rule is clear: a thief cannot pass title, and therefore, stolen art cannot change hands legally in the United States. But, in the last few years, just as the general rule of the importation of smuggled art has been subjected to new scrutiny, so the definition of stolen art has become increasingly broad. And the distinction between stolen goods and those merely smuggled without proper export clearance has been blurred. The general rule, Bator says, has been "eroded." The agent of erosion is the famous McClain case.

The cause of the McClain defendants was one of dubious merit. No one ever questioned that the activities involved smuggling and conspiracy to violate the law. The problem was not with the fact of the prosecution, but rather with its consequences, for the defendants were tried and convicted under the National

Stolen Property Act of conspiring to commit theft.

Bator says, cautiously, that the case "may represent a significant expansion in the possibility of using existing remedies to attack the trade in looted antiquities of mysterious provenience." Expert testimony established that the antiquities were of Mexican origin, and during the investigation it became clear that the defendants knew they were violating Mexican laws. Nevertheless, the exact provenience of the goods remained mysterious. Could they be proved stolen?

The court concluded that the National Stolen Property Act can cover "property of a very special kind — purportedly government owned, yet potentially capable of being privately possessed when acquired by purchase or discovery." The judge had examined Mexican law and concluded that it clearly vests ownership of all antiquities in the State (since 1972). The court then

held that "Exportation constitutes a sufficient act of conversion to be deemed a theft." On retrial, the court upheld the ruling as law of the case.

Bator dislikes this ruling. He states that it "erodes the distinction and does so in a way that is disturbing. A blanket legislative declaration of ownership of all antiquities, discovered and undiscovered, without more, is an abstraction — it makes little difference in the real world. Yet *McClain* gives this abstraction dramatic weight: illegal export, after the adoption of the declaration, suddenly becomes 'theft.' The exporting country, without affecting any real changes at home, can thus invoke the criminal legislation simply waving a magic wand and promulgating this metaphysical declaration of ownership."

No new cases have reached the courts since *McClain*, and the precedent, as it stands, creates a new level of liability for importers of antiquities of mysterious provenience. It

also opens a new, wholly unexplored question: that of possible civil litigation to recover antiquities claimed stolen by foreign governments. "Can Mexico and Peru now recapture pre-Columbian artifacts from United States museums and collectors?" Bator asks. This reader doubts that the matter will go that far, partly because the recent passage of the Unesco Convention enabling legislation opens a new and fertile terrain for negotiation of agreements that control trade in important looted cultural property. Nevertheless, the people entrusted with negotiating these agreements will surely want to keep Bator's seminal study close at hand. □

*A longer version of this article appeared originally in the *New York University Journal of International Law and Politics*, vol. 15, no. 4, 1983 (Summer).

Bytes of Art

As computers become an ever more useful tool, art history departments, libraries, and archives have been carefully studying computers and their capabilities in an effort to determine how to harness the new technology for the collection and retrieval of information concerning works of art.

Of necessity, the wheels of museum and university administrations grind more slowly than those of their business counterparts, as the non-profit sector cannot easily invest on a grand scale in new equipment. While many projects have developed, and funding has been found for research and development of software packages suitable to the needs of cultural institutions, the major problem has been one that is unique to the art world: to logically organize data which is inherently not uniform. Before discussing the many cataloguing projects that have emerged, the difficulties involved in organizing data for computer systems, where standards

for classifying the information do not exist, must be understood.

Whether the system is being developed for a museum, a library, or a photographic archive, the entries will be works of art. Yet, all of the criteria by which art objects are classified are in reality subjective. A book cataloguing system works well, because all of the information is exact. Books are arranged and cross referenced by title, date of publication, author, and subject matter, all verifiable facts. Paintings, sculpture, drawings, and decorative objects generally do not offer fixed characteristics other than media and present location. Art history offers ranges and approximations for most of what would be considered concrete evidence.

In reviewing the projects underway at various museums and archives, it is found that there are almost as many ways to organize data as there are projects. Some programs suggest describing the objects in a broad manner so that anyone could retrieve the information once the system is operational. Others propose "in-house" systems so customized that they use acquisition number or catalogue number for retrieval. An in-house search system allows those within the institution efficient access to

information regarding their collection, but does not afford easy access to outsiders.

Regardless of which system is utilized, the problem is that those who want to use the computer do not have technical expertise in programming, and those who have to develop the software usually have no knowledge of art history. It has taken some time for the two camps to appreciate one another. A point has now been reached where professionals on both sides of the computer screen have communicated their needs to one another and software does exist. Lack of standardization is still a problem in art, but many pilot projects have generated a concern for institutional collaboration and system compatibility. For each institution to spend large sums of money, duplicating the efforts of his neighbor does not make a great deal of sense in a community where funding is always hard earned.

These brief comments concern only the field of computerization of art historical documentation; it must be realized that the notion of organizing art data did not begin with the computer age. Rather, as early as the mid-1960s, museum professionals began a dialogue establishing the limitations of cataloguing collections by existing

standards. David Vance, in an article entitled, "New Ways of Keeping and Finding Information" (*Museum News*, Nov., 1967, pp. 29-35) discusses the different cataloguing systems available and makes mention of the entrance of computers. At the time, Vance pointed out the drawbacks to computers: they are valuable only for large quantities of data; the cost of installation; and the complicated process of transferring data to computer memory. One of his major points, however, is a problem which exists even today: programming.

Objects of art are classified in many different ways and often the categories in which a specific object is placed change. Therefore, an elaborate cross-referencing system and a flexible structure must be designed for organization. Vance described a conventional search system which "...divides the information into general parallel files, of which the most important are the Item File and the Descriptor File, corresponding roughly to our main card catalogue and key file...certain key words are formally designated as descriptors and put into the Descriptor File. The Item File can be searched for any work, number or combination of these. The descriptors in this file would be the same words under which items are arranged in our manual key files — artists' names, names of centuries, types of objects, important materials, names of former owners, names of donors and vendors, and subjects represented." (p. 31)

At this early stage, computers were seen as a means to greater communication among institutions, and it was hoped that in the future groups of museums could share one large data base and perhaps images themselves could be stored and retrieved. For the next decade, researchers and cataloguers struggled with the realization that there were too many indefinite factors to be considered and that no single system worked for all periods in art history. As the technology advanced, many of the proposed computerization projects became more specialized, seeking to classify a specific group of works of art.

In 1978, Fabio Bisogni's *Catalogue of Italian Art With Iconographical Analysis Realized with the Use of the Computer* appeared. The project was begun in 1972 and Bisogni subsequently received a five year grant

from the Kress Foundation to establish a pilot system to classify Trecento Riminese painting. In 1975, the corpus of Sienese art was added, and later that of Pisan art. The Catalogue was completed by working on specific areas, one by one, and then fusing the entire body. Bisogni worked closely with scholars in each field and also with several technicians from IBM. The result was a system for collecting and retrieving data using a numerical code for the different fields of information. The project was "...particularly important for its value in the recovery of provenances and old attributions..." (p. 15) The Catalogue is concerned with physically describing the works using exact measurements, definition of format, and present condition, and also with bibliographic citations.

Most importantly, Bisogni determined certain iconographical standards and established appropriate programming, allowing extensive cross-referencing of material. The computer cannot replace years of training and experience, yet it can provide ready access to available information. In addition, Professor Bisogni's system utilized "natural" language to store and retrieve data, thus simplifying access to information and allowing for easily constructed lists of synonyms for the key words.

The technology has become more sophisticated and many more art institutions are receptive to the idea of computerization. Presently, the National Gallery of Art is involved in an effort, funded by the Kress Foundation, to computerize access to the Photographic Archive. The NGA has selected certain Parke-Bernet negatives, compiled by the auction house between 1936 and 1972, currently arranged by sale and lot number, and will organize them according to artist or object. Choosing an isolated section of the collection minimizes the complications that will inevitably arise. Once the system is operational, it can be adapted to accommodate the entire Archive.

Cornell University's indexing system is another current project. During 1980 and 1981, Ingeborg Wald reviewed the University's needs and the options for reorganizing the slide collection. Her primary concern was that researchers, professors, and students be able to easily use the

system selected. As with most slide collections, the slides were randomly arranged, usually according to the need of whomever deposited the slides in the system. Thus, access was only available in reality to the curator and on a limited scale to those who were familiar with the area they wished to study. With over 175,000 slides in the collection, physically rearranging the slides was not a practical solution. The system developed at Cornell grew out of careful analysis of other classification systems, selecting the aspects of the various systems which seemed most in tune with Cornell's needs and then creating programs for aspects not found in other systems. Wald's solution is to unify the slides in such a way that a unique series of letters and numbers exists for each slide. The system resembles the Library of Congress Catalogue System in that each field has a definite code, and the unification of the codes for all the fields pertaining to that object describes only that object. As a test project, slides of 50,000 western paintings were selected.

In addition to the projects mentioned the J. Paul Getty Trust has pledged resources to "...advance the state of the art in fine arts information systems...by providing the support for an up-front design effort for a number of the critical software components that would be required in a final system..." (Nancy Englander, J. Paul Getty Trust, 10/22/82).

The Getty Trust has also collaborated with several museums to establish information retrieval projects, and has made RILA (*Repertoire international de la littérature de l'art*) a department of the Getty Center for the History of Art and the Humanities. RILA, the index of current art history publications, has been involved in an effort to computerize their service. Several projects, such as those at the National Museum of American Art, University of Notre Dame, and the Museum of the American Indian are other interesting examples of the state of the art in the field today, and will be discussed in subsequent articles. □

Lisa Ackerman
Samuel H. Kress Foundation

IFAR Authentications

Recently IFAR authenticated works by two 19th century American artists, Henry Cheever Pratt and Edward Lamson Henry. Another painting attributed to Thomas Cole, a 19th century American artist of the Hudson River School, proved to be by Victor de Grailly, a French artist who frequently painted landscapes in the American style. *Still Life with Lobster*, a 17th century Flemish work by Andries Benedetti, was also confirmed in its attribution.



Oil on canvas

Monday Morning, mid-19th century, by Victor de Grailly



Oil on canvas

Still Life with Lobster, mid-17th century, by Andries Benedetti



Watercolor

At the Opera, 1885, by Edward Lamson Henry



Oil on canvas

Portrait of a Young Boy, 1863, by Henry Cheever Pratt, a student of Samuel F.B. Morse (see page 1).

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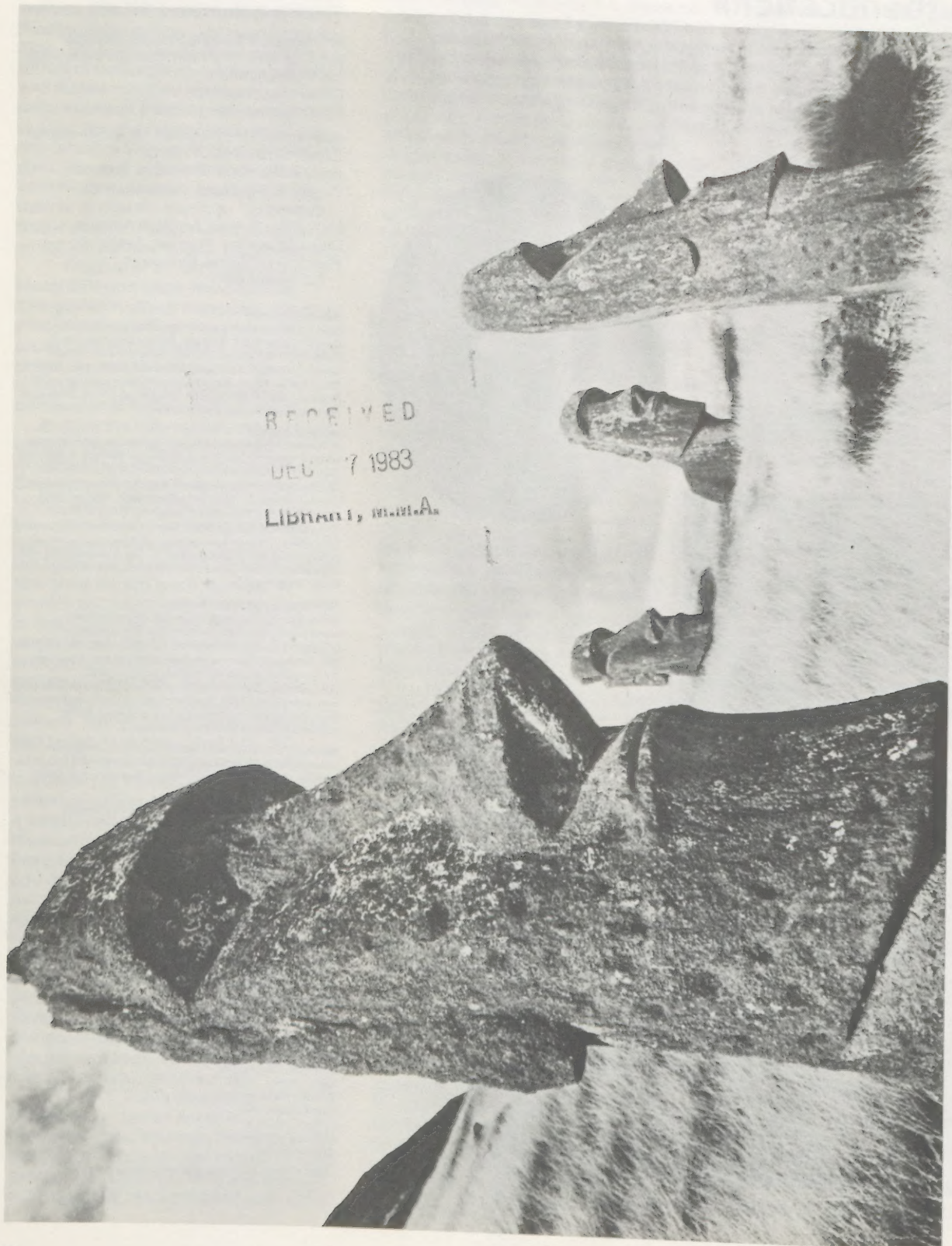
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The guardian heads at the foot of the volcano Rano Raraku on Easter Island. The International Fund for Monuments, which has effected an administrative merger with IFAR, was responsible for the restoration of the Island's monuments (see page 15).